

2003



Final Report to the

CONGRESSIONAL BLACK CAUCUS

ENVIRONMENTAL JUSTICE BRAINTRUST



**National
Environmental
Policy
Commission**

AUTHORED BY THE
National Environmental Policy Commission

SEPTEMBER 26, 2003 - WASHINGTON, DC

Presented at the CBC Foundation's Annual Legislative Conference

EDITED BY

David E. Rivers, Glenn Fleming, Richard Jablonski, Clarence W. Hill, Ragan DuBose

© Medical University of South Carolina
All Rights Reserved

Printed in the United States of America

ISBN 0-9657650-6-7

Public Information & Community Outreach
Department of Library Science & Informatics
Medical University of South Carolina
171 Ashley Avenue, PO Box 250403
Charleston, SC 29425
United States of America
www.pico.library.musc.edu

*A*cknowledgments

The editors wish to thank and acknowledge those organizations and individuals who contributed to the activities and products, including this report, of the National Environmental Policy Commission (NEPC).

First and foremost, we acknowledge Congressman James E. Clyburn of South Carolina and the membership of the Congressional Black Caucus for a vision of comprehensive national environmental policy that is a model of inclusion and collaboration.

Critical to the success of the NEPC was the commitment and effort of the individuals who served as NEPC members. Long hours of effort and deliberation went into this project. We believe this report captures the spirit and content of the NEPC's Listening Sessions.

Special thanks to the hundreds of citizen-stakeholders whose comments and insights during and after the Listening Sessions provided a solid foundation for this report

A unique partnership of private sector and government entities provided financial support for the NEPC activities. Partners include Waste Management, the National Institute of Environmental Health Sciences, the US Department of Energy, Washington, DC, The James E. Clyburn Transportation Center at South Carolina State University, Pacific Gas & Electric, Westinghouse Savannah River Corporation and Georgia-Pacific Corporation.

Coordinating the logistical and public involvement elements of the Listening Sessions was a demanding task. Andrea Martin of Congressman Clyburn's Office and Ragan DuBose of the Medical University of South Carolina met the challenge repeatedly.

At each of the Listening Session sites, individuals and institutions supported the NEPC with meeting rooms, facilities and staff support. We thank Dr. Raymond Greenberg (host) and Dr. Sabra Slaughter of the Medical University of South Carolina; Dr. Laverne Ragster (host) and Tannesia Peterson of the University of the Virgin Islands; Dr. Marjorie Harris (host) and Frank L. Gillespie, IV, of the Lewis College of Business; Monte Monteith (host) and Cathy Abeita of the Southwestern Indian Polytechnic Institute; and Dr. Timothy Leary (host) and Hank McGee of Seattle University.

We acknowledge and appreciate the involvement and insight of Dr. Clarence Hill (James E. Clyburn Transportation Center, South Carolina State University), Jewell Harper (US EPA, Region 4), Cynthia Peurifoy (US EPA, Region 4), Melinda Downing (US Department of Energy), Dr. Charles Wells (NIEHS), Lessie Price (Westinghouse Savannah River), Quentin Pair (US Department of Justice), Andrea Martin (Congressman James Clyburn's Office), Lindy Birch (Congressman James Clyburn's Office), Elena Shaubah (Delegate Donna Christensen's Office), Eddie Wright (US EPA, Region 4), Rosalind Brown (US EPA, Region 4), and Caron Falconer (US EPA, Region 4).

Finally, we thank the staff of the Medical University of South Carolina for coordinating the activities of this Commission since its inception.

Preface

With delivery of this report to the Congressional Black Caucus during its September, 2003, meeting in Washington, DC, the National Environmental Policy Commission (NEPC) completes two years of programmatic activities designed to hear, consider and report on our nation's collective will regarding environmental policy.

Representative James E. Clyburn initiated the NEPC in response to recommendations by a Congressional Black Caucus Foundation Environmental Justice Braintrust that he chairs. Congressman Clyburn and many of his colleagues support the concept of a comprehensive national environmental policy. Such policy, and its social, economic, legislative and regulatory implications, would:

- Protect human health and safety;
- Promote a clean and safe environment;
- Assure environmental justice;
- Promote equitable labor practices;
- Encourage environmentally sound economic development; and
- Develop transportation and housing policies that provide sustainable growth.

Given this inclusive and comprehensive approach to environmental policy, it is not surprising that the Commission included representatives of business and industry, environmental justice communities, health care organizations, academic institutions, and tribal, state and local governments. The Commission members were: Luis Alvaraez, Principal of LA & Associates, New York, NY; Sue Briggum, Director of Government and Environmental Affairs for Waste Management, Inc., Washington, DC; Jennifer Friday, Senior Research Specialist for the MayaTech Corporation, Atlanta, GA; Robert L. Harris, Vice President of Environmental Affairs for the Pacific Gas & Electric Company, San Francisco, CA; Gary Loster, Chairman of the World Conference of Mayors, Saginaw, MI; Mildred McClain, Executive Director of Citizens for Environmental Justice, Savannah, GA; Richard Moore, Executive Director of the Southwest Network for Environmental and Economic Justice, Albuquerque, NM; Marlon Priest, Professor of Emergency Medicine at the University of Alabama-Birmingham, Birmingham, AL; Jerry Prout, Vice President Government Affairs for FMC Corporation, Washington, DC; Laverne Ragster, President of the University of the Virgin Islands, St. Thomas, USVI; Dean Suagee, Counsel at Hobbs, Straus, Dean & Walker, LLP, Washington, DC; Derrick Watchman, Principal of Watchman & Associates, Window Rock, AZ; and Patricia Wood, Manager of Regulatory Affairs for the Georgia-Pacific Corporation, Washington, DC. Commissioners Briggum, McClain and Moore served as Co-Chairpersons of the Commission. (Commission member biographical sketches. Appendix 3.2.)

The Commission's purpose was to identify environmental issues and articulate a range of alternatives for consideration by policy makers. To achieve these goals, Commission members participated in Listening Sessions in five locations: Charleston, SC; the US Virgin Islands of St. Croix and St. Thomas; Detroit, MI; Albuquerque, NM; and Seattle WA. (Listening Session agendas. Appendix 3.8.)

The reporting process was complex and time-consuming. Commission members determined

that a “consensus” approach was the best way to report to the Congressional Black Caucus. For this reason, articles appearing in Section II of this report are consensus reports, rather than the attributed work of individual authors or writing teams.

This report contains recommendations relating to the following areas of concern.

- Health Impacts and Disparities
- Environmental Impacts
- Community Involvement
- Enforcement Concerns
- Labor Issues
- Tribal Issues
- International Issues and Issues Involving U.S. Territories
- Federal Facilities
- Transportation

In reviewing these recommendations, it is clear that Commission members re-affirm the basic premise that concepts of human health, environmental protection, environmental justice and economic development are the foundation of the kind of comprehensive national environmental policy envisioned by Congressman Clyburn and his colleagues.

~ The Editors

Statement of Purpose



The demographic, industrial and technological changes our nation and world experienced during the 20th century necessitate a new, comprehensive and enlightened approach to environmental policy. In the 21st century, it is no longer good enough to maintain and improve environmental quality, although these are worthy goals. Instead, we must recognize the unique relationship between the quality of our environment, the health of our citizens, and the economic well-being of our nation. We must find ways to reconcile decreasing resources with increasing demand. Moreover, we must do these things with equal regard for all citizens, regardless of race and economic status. We must recognize and foster true environmental justice as a concept central to national environmental policy.

With these ideas in mind, the original charge to the National Environmental Policy Commission (NEPC) was to conduct a series of listening sessions around the country to identify critical issues and provide objective analysis and proposals to policy makers.

On September 28, 2001, the NEPC submitted a report on the substance and feeling of these listening sessions to the Environmental Justice Braintrust of the Congressional Black Caucus (CBC) Foundation. The report, well reasoned and concise, confirmed the complexity of the issues involved.

Recognizing the importance of the effort, we renewed and expanded the charge to the NEPC, to include labor, transportation and housing issues. One highlight of the expanded agenda was the historic Joint Listening Session hosted by the CBC Health Braintrust and the Environmental Justice Braintrust.

Having completed the second series of listening sessions, the NEPC has submitted this report. The consensus recommendations of the NEPC will be used as guidelines by those who are concerned with the development of comprehensive national policy that promotes the special relationship between environmental protection and justice, human health and economic development.

The NEPC has served well. I sincerely thank its members and the Medical University of South Carolina for its administrative and technical support of their efforts. I renew my commitment to encourage our nation's policy makers to utilize these recommendations as they go forward.

*~ The Honorable James E. Clyburn
United States House of Representatives
District 6, South Carolina*

Table of Contents

<i>Acknowledgements.....</i>	<i>iii</i>
<i>Preface.....</i>	<i>v</i>
<i>Statement of Purpose.....</i>	<i>vii</i>

Section 1: Executive Summary & Background

<i>1.1 Executive Summary.....</i>	<i>5</i>
<i>1.2 Environmental Justice: Background and Perspective.....</i>	<i>11</i>

Section 2: Issues & Recommendations

<i>2.1 Health Impacts & Disparities.....</i>	<i>17</i>
<i>2.2 Environmental Impacts.....</i>	<i>25</i>
<i>2.3 Community Involvement.....</i>	<i>31</i>
<i>2.4 Enforcement Concerns.....</i>	<i>37</i>
<i>2.5 Labor Issues.....</i>	<i>41</i>
<i>2.6 Tribal Issues.....</i>	<i>47</i>
<i>2.7 International Issues & Issues Involving US Territories.....</i>	<i>53</i>
<i>2.8 Federal Facilities.....</i>	<i>57</i>

Section 3: Appendices

<i>3.1 US EPA's Commitment to Environmental Justice.....</i>	<i>65</i>
<i>3.2 Commission Member Biographical Sketches.....</i>	<i>67</i>
<i>3.3 About the Editors.....</i>	<i>77</i>
<i>3.4 Listening Session Participants.....</i>	<i>79</i>
<i>3.5 Themes and Consensus Recommendations.....</i>	<i>97</i>
<i>3.6 Specific Recommendations Presented to the Commission.....</i>	<i>105</i>
<i>3.7 Listing of All Recommendations Presented to the Commission.....</i>	<i>109</i>
<i>3.8 Listening Session Agendas.....</i>	<i>127</i>

Section 1

Executive Summary and Background

*E*xecutive Summary

This is the second and final report produced by the National Environmental Policy Commission (NEPC) for delivery to the Congressional Black Caucus Foundation Environmental Justice Braintrust. The NEPC delivered its first report, September 28, 2001, in Washington, DC.

The introductory section of this report, containing a Preface and Statement of Purpose, clearly delineates the NEPC's mission, process and timeline. Readers of the initial NEPC report may notice that, while the scope of issues on the table has expanded over the last two years, our fundamental mandate has not changed. We heard diverse public testimony, then used our collective experience in the environmental arena to synthesize that testimony into recommendations for consideration by the Congressional Black Caucus (CBC) and other policy makers.

It is important for readers to understand the grassroots, community-level underpinnings of this report. As a group, speakers testifying at the Listening Sessions were well prepared, informative and passionate about the well-being of their communities and constituencies. Many traveled great distances, taking time out of busy schedules, to appear before the Commission.

Several common threads ran throughout Listening Session testimony. In many instances:

- The speaker represented a grassroots activity, usually centered on a community of color or community of concern.*
- The community was the location for a number of commercial, municipal or other facilities and activities perceived as potentially harmful and “undesirable”.
- The community believed that it had been subject to a disproportionate incidence of cancer, diabetes, birth defects, asthma – particularly childhood asthma – or other medical conditions, and
- The community believed it lacked the access and wherewithal to participate effectively in environmental decision-making processes affecting its residents.

In reviewing these common threads, it's apparent that many of these concerns would be addressed by the kind of comprehensive national environmental policy envisioned by US Congressman James E. Clyburn¹ and many of his congressional colleagues. Such policy would assure human health and safety, environmental protection, Environmental Justice and economic development – all of which are integral components in addressing the complex and issues described by those offering testimony before the Commission.

Listening Session presentations and the Commission's subsequent deliberations suggested two general approaches for policy makers to consider. The first is to alter the activity of the agencies

*Throughout this report, we use the term “community of concern” to encompass communities that are also described in various other ways, such as “environmental justice communities,” “communities of color,” or “low-income communities.” We mean by this term to include communities with substantial numbers of racial minorities or ethnic members, such as Asian-Pacific, Latino, Indigenous American, Alaskan Native or African American, or people of low-income or limited economic resources. Such communities often experience higher environmental risks and burdens, due in part to limited political influence, as well as limited resources to participate in environmental decision making.

and players whose action (or inaction) impacts the affected community, e.g., require community consultation by state permitting agencies, or create additional oversight of state or local officials by creating new levels or functions of government. The second is to extend help or empowerment to the impacted community to help citizens better argue their case; e.g., expanded technical assistance or funding for administrative or legal support of groups within these communities.

The Commission offers recommendations following each of these paths.

This report and its Appendices include three types of recommendations. The first are themes and consensus recommendations of the full Commission. These recommendations draw from the themes that recurred throughout the five Listening Sessions and the Commission's subsequent deliberation. We encourage Congress to address these themes and recommendations in any and all possible ways. These recommendations appear in this Executive Summary and in Appendix 3.5 of this report.

The second set of recommendations contains specific recommendations offered in the Listening Sessions. Many (but not all) members of the Commission support these recommendations, which appear at the ends of Sections 2.1 through 2.8 and in Appendix 3.6.

The third set of recommendations captures all comments and suggestions offered during the Listening Sessions. This list appears in Appendix 3.7.

Themes and Consensus Recommendations of the National Environmental Policy Commission

A number of themes recurred throughout the five Listening Sessions, and indeed most of these themes were voiced in the series of Listening Sessions that formed the basis for the first report of the National Environmental Policy Commission. The Commission urges Congress to address these concerns, and the recommendations we make to resolve the concerns, in any and all possible ways, whether through oversight of federal agency programs, legislation, or use of appropriations to provide resources to the communities we describe in this report. Our recommendations focus on the key topics addressed during our Listening Sessions: preservation of health for all, justice in environmental regulations and community quality of life, and sound sustainable economic development. The Commission's consensus recommendations are as follows:

Congress should launch a specific initiative to eliminate disparities in health care and health outcomes according to race and income. It is past time that Congress exercise its authority over the expenditure of federal dollars and the authorization of federal programs to eliminate the well-documented disparities in health in the United States. This effort is crosscutting, because it requires better research on the causes of health impairment, fairer allocation of health care resources, and far greater inclusion of people of color in the health care profession. Among the frequent recommendations made in the Listening Sessions, and which the Commission endorses, are: requirements of expanded disease registries; incentives to increase the representation of people of color in all levels of the medical profession; and inclusion of representatives from communities of concern in government-sponsored research projects on environmental health and health disparities.

Congress should leverage the resources newly being devoted to Homeland Security to provide improved health information and services to communities of concern. Persons testifying before the second Commission reiterated the concerns of earlier presenters that baseline information needs to be collected on community health and that communities of concern, including tribal communities, too often lack basic health services. The infusion of funds and staff to better track infectious diseases and other terrorism threats provides a unique opportunity to respond to the needs of communities of concern. New health tracking networks are being created, and the adequacy of local health care is being evaluated. The government currently is focused upon assuring that information readily available cannot be used for terrorist purposes. There is equally compelling need to provide information on community health and environmental conditions in order to understand the environmental causes of disease, determine the regulatory steps needed to prevent such disease, and provide services to the populations affected. As the Congress considers new security funding, it should look for synergies to enhance environmental and health protection and, in particular, assure that communities of concern and tribal communities are a focus for information and services. Congress must recognize and support wherever possible the role of tribes and local governments as first responders in response to terrorism.

Congress should pursue avenues for federal, state, local and tribal governments to work together to expand the safety net of environmental control to all sources of pollution. Many of those testifying before the Commission lamented the lack of enforcement of existing standards; more testified about sources of pollution for which there are no existing regulatory requirements. For larger fixed facilities, concerns often centered on under-regulated releases like noise, odor and the potential for spills or upsets. For a broad array of sources – from wastes like auto fluff to impacts from tourism and run-off from golf courses and mobile homes – the concern was lack of regulation. The majority of presenters expressed concern about the cumulative impacts of vehicles of all sorts, particularly since many communities of concern are located in high traffic areas. Congress, through appropriations or oversight, has the opportunity and obligation to assure that EPA is constantly using its authority and discretion to reduce pollution from all sources.

Congress, EPA and other federal agencies must find better mechanisms to involve communities in environmental decision making at all levels. Environmental regulation in the United States is a patchwork of statutes limited to one media or one kind of activity, often employing arbitrary exemptions and cutoffs unrelated to individual or cumulative impact on a community's health and environment. As noted above, coordination among the federal, state, local and tribal governments responsible for addressing polluting sources is inadequate. As a consequence, many communities of concern are faced with multiple sources of pollution and no safety net in environmental law and enforcement that guarantees their fundamental health and safety. Congress, EPA and other federal agencies, working with their state, local and tribal partners, have a responsibility to address these unacceptable burdens, and it was to this end that the Commission recommended in its prior report that Congress consider the need for a unified environmental statute. In the interim, and as part of the future of environmental regulation whether or not there is basic legislative change, it is vital to assure that community members are involved in all phases of environmental information gathering and decision making. Community members are aware of the existence of most sources of pollution in their vicinity and are a base of reliable information on practical means to address these sources. Mechanisms for community involvement should provide outreach not only to the local community, but also to community members that may suffer from impacts beyond the immediate vicinity of a proposed action, particularly tribal communities that may be affected by cumulative or

indirect impacts or whose off-reservation sacred places may be affected. Community judgments are key to a fair balance of the need for economic growth and development with the obligation to assure protection of health and the environment.

Congress should exercise its oversight and funding authorities to fully and accurately characterize and control the impacts of transportation projects on health and environment.

Adverse impacts are pervasive and complex. Lack of ready access to transportation, particularly efficient mass transit, impedes access to health care and impairs quality of life in communities of concern and tribal communities. Government agencies at all levels should find ways to better understand the needs of communities with limited or no mass transit systems and look at how this impacts their ability to seek and access health care services. This should include ways to involve the private sector in developing innovative and creative transportation services for these communities and broaden the scope of the public transportation system.

Creation of needed new transit must be planned with care, however. The placement of new roads and mass transit, if uninformed by the practices and needs of the community, can divide historic neighborhoods. The creation of gated communities, and the resulting redirection of traffic on public roads, can increase congestion in less fortunate communities. New roads intended to facilitate economic growth can destroy the use – even the existence – of sacred sites and other places of historic and cultural significance as well as contribute to global climate change. Transportation projects have implications for global climate change that should be taken into consideration, including indirect and cumulative impacts on communities far removed from the specific project, such as Alaska Native villages.

Moreover, the impacts on health and the environment from existing roads are insufficiently monitored and regulated. Adverse health impacts from the proximity of highways and high congestion areas to communities of concern were decried throughout the Commission's Listening Sessions. It is clear that the current NEPA and environmental processes are inadequate to address the impacts of transportation projects on health and the environment, and the Commission recommends that the Congress take immediate action to focus attention on the adverse impacts of transportation projects in communities of concern and to devise means to address these impacts.

Congress should create clear guidelines to correct federally owned facilities' failure to involve surrounding communities in their evaluation of environmental impacts and failure to make timely progress on remedial obligations. The first Commission report called for an accounting of the impact of federal facilities on the environment, yet those testifying before the Commission communicated that conditions appear little changed. In fact, many communities of concern have seen cleanup schedules lengthen due to budget cutbacks, and they are outraged by attempts to exempt federal facilities from the environmental laws applicable to private parties. Rather than entertain hearings on exemptions and special treatment for federal facilities, Congress should hold the federal agencies accountable for progress in reducing their adverse environmental impacts. Congress also should evaluate the adequacy of federal facilities' community involvement processes on a national as well as site-specific level, and evaluate procedural mechanisms to guarantee public dialogue and inclusion of community views at federal facilities with environmental releases and waste legacies.

Congress, EPA and other federal agencies should facilitate consideration of workable mechanisms to incorporate Environmental Justice into land-use planning. The Commission

is well aware of the legal and traditional constraints against federal intervention into local zoning, but it also observes that many adverse impacts on communities of concern cannot be meaningfully addressed without changes in local land use practices. The Commission urges the Environmental Protection Agency to evaluate the information that could be disseminated to advance public understanding of good land use planning practices. The Commission also urges Congress to evaluate the means by which federal facilities and federal programs (including those run by the Army Corps of Engineers and the Department of Transportation) could initiate demonstration projects on community-sensitive land-use practices.

Congress should highlight and support government and private sector gains in workplace diversity and inclusion. In light of the Supreme Court's recent emphasis on the importance of diversity and inclusion, Congress should play its part in furthering these values. Many presenters before the Commission stressed the importance of jobs and economic opportunities for communities on concern. Congress can respond to these needs by providing a forum to discuss best practices in the government and the private sector with regard to workforce diversity and inclusion, as well as identify opportunities within federal actions to promote diversity.

Congress should act to assure that transportation and economic development projects do not impair sacred sites. Current review processes under NEPA and state and federal environmental laws emphasize process and procedure, not the outcome necessary to assure that the economic desires of non-tribal interests do not impair sacred sites with unique cultural and spiritual meaning. There are two mechanisms required to remedy this inadequacy: first, uniform recognition of tribal sovereignty, and second, clear articulation of the obligation to preserve sacred sites as a core element in environmental and transportation regulatory programs. It is vital that agencies that plan and carry out transportation projects ensure that Indian tribes are consulted to identify and evaluate impacts of concern to tribal communities, particularly impacts on off-reservation tribal sacred places. The National Historic Preservation Act requires that federal agencies and state agencies using federal funds consult with Indian tribes and Native Hawaiian organizations (NHO) when a project may affect historic properties that hold religious and cultural importance for a tribe or NHO. The earlier such consultation begins, the more likely it is that adverse impacts to tribal sacred places can be avoided. Transportation agencies must learn to take the obligation to consult with tribes seriously and proactively seek tribal involvement early in their planning processes. Congress should consider the enactment of legislation to ensure that consultation with tribes actually leads to the preservation of tribal sacred places.

Congress should address the need for resources to support environmental infrastructure on tribal lands. Congress in amendments to environmental statutes has sought to recognize tribal sovereignty and support tribal efforts to address such environmental blights as open dumps within reservation boundaries. Congressional recognition of tribal sovereignty for environmental protection should include provisions to ensure that persons who are not tribal members are treated fairly and have meaningful opportunities for input into tribal government decisions that affect them. Additional clarity is needed, however, to assure that tribes have recognized authority to assure environmental protection on tribal lands. Tribes also must have the resources needed to assure proper waste and water treatment and remediation of contaminated areas.

Congress should address the need for environmental infrastructure in the U.S. territories. The Commission's Listening Sessions in the Virgin Islands highlighted the absence in many areas of

the fundamental waste and clean water services the vast majority of communities take for granted. The Commission also supports efforts to target environmental funds to the territories in order to provide these communities vitally needed protection of human health and the environment.

Congress should expand the collaborative model of the Interagency Working Group to new demonstration projects and additional governmental programs. Many of those testifying before the Commission described the demonstrated success and broad promise of the federal Interagency Working Group (IWG). Under this and other comparable collaborative models, government acts as a facilitator and source of information and resources to communities of concern seeking to improve quality of life by enhancing environmental protection and fostering economic development. The community selects its leaders, develops a positive vision for community change, and works with all stakeholders – business and industry, all levels of government, non-profit groups, health professionals and others. By definition, the collaborative model requires partnerships across stakeholders from different perspectives focused on tangible improvement in health and quality of life. The model is founded on full access to information, a transparent discussion process, and mutual respect. Congress should investigate the collaborative model and the specific IWG demonstration projects with an eye to expanding the program with further resources, as well as expanding the collaborative approach to other programs such as the building of national infrastructure.

Congress should provide support for community-based, faith-based, and tribal organizations that have initiated important projects to protect community health, provide environmental and health information, and facilitate community revitalization. Many presenters described the effectiveness of grassroots, faith-based and tribal projects, particularly with regard to providing health information and health care. These groups have achieved much with modest resources, and the federal government has an important role to play in supporting these efforts with grant moneys where appropriate and broad communication of best practices.

¹See Proceedings Document, entitled “Environmental Justice: Strengthening the Bridge Between Economic Development and Sustainable Communities”, Medical University of South Carolina, 1999.

Environmental Justice: Background and Perspective

Definition and History

Environmental Justice (EJ) is the fair treatment of people of all races, income and cultures with respect to the development, implementation and enforcement of environmental laws, regulations and policies. Fair treatment implies that no person or group of people should shoulder a disproportionate share of the negative environmental impacts resulting from the execution of this nation's domestic and foreign policy programs. Fair treatment implies that no business, industry or other activity be allowed to pollute marginalized, economically disadvantaged and people of color communities. These populations must be active players in all levels and types of environmental decision making and problem solving, including remediation and restoration activities and deciding on future land use.

The Environmental Justice movement seeks to remedy a legacy of environmental racism and economic disparity. Environmental racism is defined as any environmental policy, practice or directive that, intentionally or unintentionally, differentially impacts or disadvantages individuals, groups or communities based on race, color or ethnicity. It also refers to exclusionary or restrictive practices that limit the participation by people of color on decision-making boards, commissions and the staff of governmental agencies with responsibilities in the areas of environmental policies, programs and permits. Many believe environmental racism is a pervasive practice of polluting industries and businesses. Perceived environmental racism has spawned a movement of communities demanding Environmental Justice at home and abroad.

The first studies documenting the relationship between the geographic distribution of environmental pollution and people of color and low-income communities were published during the 1970s. As early as 1971, the President's Council on Environmental Quality acknowledged that racial discrimination adversely affected the ability of the urban poor to control the quality of their environments.¹ However, the Environmental Justice movement did not receive national attention until a 1982 protest against the proposed siting of a landfill for polychlorinated biphenyls (PCBs) in a predominately African American county in North Carolina. At that time, the phrase "environmental racism" was coined to refer to policies and actions, which either intentionally or unintentionally, resulted in the disproportionate exposure of racial minorities to environmental hazards. A 1983 study published by the U.S. General Accounting Office (GAO) found that, in the southeastern United States, three of the four commercial hazardous waste landfills were in communities with more African Americans than whites.²

The United Church of Christ Commission for Racial Justice expanded the 1983 GAO study to the national level and found similar results. In addition, the Commission determined that race, rather than socio-economic status, was the factor more strongly related to residence near a hazardous waste site.³ Most evidence to date suggests that, although highly correlated with each other and difficult to disaggregate, race and class have independent effects, and race is the more important factor. On the other hand, economic status is also important to consider given that poorer communities may have less access to information and resources to help them influence decision-making processes. Both concerns were given substantial support in a 1992 U.S. Environmental Protection Agency

(EPA) report, “Environmental Equity: Reducing Risk for All Communities,” finding that:

“Communities of color and low-income populations experience higher than average exposures to selected air pollutants, hazardous waste facilities, and other forms of environmental pollution.”

The Environmental Justice movement has grown tremendously over the last 20 years. It now comprises national, regional and constituency networks, increasing numbers of grassroots groups, and collaborations between grassroots groups, labor, academia, governmental institutions and others. These groups have distinguished themselves from environmental groups that focus primarily on issues such as conservation, wildlife and endangered species. Some groups have been making significant strides in developing partnerships with business to improve community quality of life. It is important to note that the Environmental Justice and environmental movements do not always share the same concerns, goals, objectives and tactics.

When Environmental Justice first became a national issue in the late 1980s and early 1990s, government agencies tended to react by denying charges of environmental racism. Many environmental proceedings were marked by outright hostility towards community residents who questioned the practices of environmental agencies. When evidence of disparities made it hard for agencies to continue to deny charges of environmental injustice, agencies tended to respond by renaming existing programs as “Environmental Justice initiatives.” Subsequently, the Environmental Protection Agency (EPA) and other agencies began to fund discrete Environmental Justice projects; e.g., the National Environmental Justice Advisory Committee (NEJAC), established by EPA.

In response to growing concerns about and evidence of environmental injustices, President Bill Clinton in 1994 issued Executive Order 12898, which required federal agencies to develop strategies for ensuring compliance with Environmental Justice principles. Essentially, these principles held that:

- Significant adverse environmental and health effects should not fall disproportionately on low-income and communities of color; and
- Members of those communities should be informed of and helped to participate in decision-making that affects their health, environment and cultural practices.

The Executive Order relied on Title VI of the 1964 Civil Rights Act for its authority. For Environmental Justice matters, the most relevant passage of this statute is the declaration that:

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

EPA established its Office of Civil Rights to process Title VI administrative complaints alleging discriminatory intent or effect based on race, color or national origin resulting from issuance of pollution control permits by state and local government agencies that received EPA funding. In 1998, EPA issued interim guidance for investigations of such complaints. In July 2000, it issued a draft revision of that guidance, along with draft guidance for States on how to avoid creating

“disparate adverse environmental impacts” and how to process complaints that allege such unfair treatment. Although that guidance received robust comment, a document responding to these comments was never issued, and the process of adjudicating Title VI cases has been criticized as opaque and slow. In addition, the draft failed to address tribal issues in a meaningful way.

In many ways, Environmental Justice is fundamentally a civil rights issue. However, it differs from conventional civil rights issues in that it concerns communities, not individuals, and focuses on environmental impacts rather than lost job opportunities. Additionally, the analysis of environmental issues is based upon analytic tools traditionally used in the environmental arena. Currently the contrast between the implementation of Environmental Justice policy and major environmental statutes is significant. The process of implementing environmental statutes is now quite well defined, and the standards are codified in regulation, whereas the processes and standards for implementation of Environmental Justice policy have yet to be developed.

With respect to Indian reservations, characterizing EJ as a civil rights issue is problematic. EPA’s June 2000 guidance on Title VI of the Civil Rights Act did not address the implications of Title VI for programs administered by tribal governments, although it did note that EPA treats tribal members as part of the protected class for Title VI purposes.⁴ In Indian country, as discussed further in this report, the overriding EJ issue is the comparative lack of environmental regulatory infrastructure – in contrast to non-Indian America, the process of implementing federal environmental statutes is not well-defined.

Determining whether existing or planned actions are having or will have disparate impacts that fall disproportionately on people of color or low-income communities is very complex. Regulators and the courts are struggling with how to resolve these issues. The key concepts are likely to be defined largely through case law. However, in the interim, there are many steps that policy makers and regulators can take to help bring more attention and clarity to this issue.

Environmental Justice will not become a reality as long as the issue remains an afterthought, a regulatory appendage to existing programs, or an abstract policy statement that does not change conditions in impacted communities. To make real and lasting changes, agencies must integrate Environmental Justice into the core design of their programs and, after an appropriate amount of time, undertake a rigorous evaluation of the programmatic changes in the real world. The Congressional Black Caucus (CBC), through the Congress, can promote and support this process.

Although the EPA, within its relatively narrow regulatory mission, has come up with a working definition of Environmental Justice, in our view, the concept of Environmental Justice should be much broader in scope, encompassing a wide range of domestic and international concerns, including labor, health, worker safety, transportation and international trade issues. Many of these larger issues were the subject of public comments before the National Environmental Policy Commission, and the recommendations made are included in this report.

Environmental Justice and the Intersection with Health

The CBC Braintrust on Environmental Justice has coordinated with the CBC Health Braintrust in developing this second report of the National Environmental Policy Commission because the CBC

recognizes that there can be no justice until all persons have equal access to health care and equal protection from health impairment. This is far from the case at present. The National Academy of Science's Institute of Medicine found that African Americans and Hispanics are widely deprived of the medical care that most Whites take for granted.⁵

The statistics summarized throughout this report, particularly in the section discussing health issues, dramatize the importance of the Commission's inquiry into the impacts of pollution on health and the impacts of disproportionate locations of polluting facilities and activities in communities of concern.

¹Council on Environmental Quality. Second Annual Report to the President, 1971, p.190.

²US General Accounting Office. Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities; Letter of June 1, 1983, RCED-83-168. Washington, 1983.

³Commission for Racial Justice, United Church of Christ. Toxic Wastes and Race in the United States: A National Report on the Racial and Socio-economic Characteristics of Communities with hazardous Waste Sites. New York, Public Data Access, Inc., 1987.

⁴65 Fed. Reg. 39650 (June 27, 2000). See specifically page 39699 regarding tribal members as protected by Title VI; see page 39656 regarding programs administered by tribal governments (saying that these issues "will be addressed in a separate document because the subject involves unique issues of Federal Indian law", although no such separate document has ever been issued). See generally Richard Monette, Environmental Justice and Indian Tribes: The Double -Edged Tomahawk of Applying Civil Rights Laws in Indian Country, 76 DET. MERCY L. REV. 721 (1999).

⁵"Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care," as quoted in Women and Diversity WOW! Facts 2003 (Business Women's Network, DC 2003).

Section 2

Issues and Recommendations

H *Health Impacts & Disparities*

It is well documented that in the United States, racial and ethnic minority groups, the poor, and the medically underserved face lower life expectancies and greater health problems than the white population at large. This evidence is the basis for the current discussion regarding health disparities between white and nonwhite populations.

The disparities in health are striking and wholly unacceptable. According to the CDC, cardiovascular disease is about 30% higher among African Americans than among white adults. The Pima Indians of Arizona have the highest known prevalence of diabetes in the world. Hispanics have nearly 100% higher prevalence of diabetes than among whites. African American, American Indian and Puerto Rican infants face higher infant mortality rates than white infants.¹ Cancer incidence is also higher in minority populations. For example, Vietnamese women suffer from cervical cancer rates nearly five times those of whites, and African American men suffer from prostate cancer at nearly twice the rate of whites.²

Discussions on health disparities are not new. The First National Institutes of Health (NIH) Working Group on Health Disparities defines health disparities as, “Differences in the incidence, prevalence, mortality, and burden of diseases and other adverse health conditions that exist among specific population groups in the United States.”³ In the 1980s, Margaret Heckler, then Secretary for the Department of Health and Human Services (HHS), released a report on preventable health issues that if addressed could increase the life span of African Americans. This led to the Healthy People guidelines, with Healthy People 2000 providing the blueprint for what needed to be done and Healthy People 2010 recommending strategies to address health disparities.

As part of these recommendations, the HHS identified six areas in which racial and ethnic minorities experience serious disparities in health access and outcomes. These six areas were selected for emphasis because they reflect areas of disparity known to affect multiple racial and ethnic minority groups at all life stages.³ They are:

1. Cancer screening and management;
2. Cardiovascular disease;
3. Child and adult immunization;
4. Diabetes;
5. HIV infection, and
6. Infant mortality.

Disparities in health occur for a variety of reasons, including lack of access and availability of health care services, the cost of services and a general distrust of the system. Budget cuts in public health programs, caused by economic factors and market forces, are playing a key role in access and affordability of health care. The lack of power that is often felt by these communities of concern, their limited access to resources, and environmental factors also contribute to the disparities seen in health conditions in the U.S.

Environmental factors that play a role as contributors to health disparities in poor and minority

communities must be addressed, because, as recently stated by Congresswoman Barbara Lee, “These disparities follow a cradle to grave cycle: beginning with infant mortality, continuing with workplace hazards and increased exposure to pollution, and ending with disparate access to health care, diagnoses, and medical treatment.”⁴

There is increasing evidence that poor and minority communities are burdened with a disproportionate share of residential and occupational exposure to hazardous substances, such as lead, PCBs, wood dusts and air pollutants.^{3,5,6} These often have a negative impact on the health of residents and the quality of life in their communities. Participants in the NEPC Listening Sessions provided Commission members with a wealth of information on health conditions that they believe are caused or exacerbated by environmental hazards. The hazards mentioned included industrial waste, nuclear facilities, nuclear submarines, landfills, oil refineries, cement and concrete factories, gravel pits, pesticides, vehicle emissions, open dumps, open sewerages, inadequate septic systems, microchip processing plants, dry cleaners, junkyards and auto repair shops. These hazards were mentioned in most of the cities visited during the time period and were reported by presenters as contaminating the air they breathe, the water they drink, and the soil that grows their food and through which groundwater travels. The participants all mentioned that ongoing pollution and illegal dumping occurs disproportionately in poor and minority communities.

Many of the adverse health conditions listed by the U.S. Department of Health and Human Services as the primary focus for reducing disparities were mentioned by participants. Participants also mentioned hypertension, stroke, birth defects, skin rashes, asthma and other chronic respiratory conditions, menstrual disorders, oral and dental health, mental health, mold, lead poisoning, mercury poisoning, nutrition, alcohol and drug addiction, vehicle emissions, access and affordability of health care for low-income populations, and the availability of competent medical and health care professionals. Many of these concerns were stated at all Listening Session locations, while some were specific and mentioned in only one location.

Cancer: Cancer is the second most common cause of mortality in the U.S. Many minority groups suffer disproportionately from cancer, and disparities exist in both mortality and incidence rates.⁷ The health literature provides evidence that cancer incidence and mortality is higher for racial and ethnic minority groups than the general population. The testimony of the participants supported this. The tremendous burden of cancer on the minority population was very evident at the NEPC Listening Sessions. By far, cancer in all its varying forms, was mentioned most frequently and at every hearing as the one health condition that participants believed was caused in some way by environmental hazards.

In South Carolina we heard from a number of persons about the increase in cervical and breast cancer in Black women, and of prostate cancer in Black men. One participant, who lived near a landfill in the community of Appleton, related the increases in cancer by stating that families with no history of cancer were now dying from cancer.

Participants in Seattle, WA, stated that radioactive materials, pesticides and nitrates in their communities are causing increases in cancer in children. Some of these participants also mentioned that before the DOE Hanford Site was built, cancer was virtually non-existent in their communities. One participant mentioned that in talking to a doctor about the rates of cancer in the Native population, the doctor suggested that it was at epidemic proportions in their communities.

One Albuquerque, NM, participant related the story of a husband and wife who lived 10 miles downwind from the flaming of gas wells during *Operation Gas Buggy*. *Operation Gas Buggy* was part of a government-industry experiment conducted in 1967 to see if nuclear explosions would release natural gas not recoverable through conventional means. The participant reported that the couple suffers from a rare form of liver cancer that is believed to have been caused by exposure to *Operation Gas Buggy*. The odds of two non-related persons in the same household developing the same rare form of cancer is fairly small according to the participant and is more attributable to environment than medical or biological factors.

The U.S. Virgin Islands participants also talked about increases in cancer that they believe are related more to environmental factors rather than biological or genetic conditions. They believe that the lack of cancer treatment facilities and medical specialists in the territory contribute to the burden of this disease on the population. They pointed out, too, that the lack of a cancer registry was of concern. Many people seeking cancer treatment must go off island to receive treatment. Sometimes, they die off island. This may result in being counted in the registry of another state or locale, and the place of death rather than the place of diagnosis would record the incidence. This would potentially result in an undercount of the number of deaths by cancer of local residents. Travel and transportation issues also play a role in the increased mortality of cancer patients in the V.I. Because of limited transportation services and the cost to travel off island for medical services, many residents may be unable to travel for regular treatments off island. While there are some resources (such as Medicaid) available for such travel, the demand often results in a early depletion of limited funds, thereby forcing residents to come out of pocket to travel to off-island treatment facilities.

Asthma and other Chronic Respiratory Illnesses: The precipitous increase in asthma across the country has been largely attributed to environmental conditions. This was very prominent on the minds of participants at all the sessions, especially because it has its largest impact on children. Participants reported respiratory conditions occurring for an assortment of reasons. In the Virgin Islands and Detroit, MI, vehicle emissions were mentioned as the largest contributors to poor health conditions, including asthma and other respiratory conditions. Detroit participants mentioned that the state of Michigan no longer requires emissions testing for automobiles as part of the annual license and tag process. They believe that this will contribute to an environment that is even more polluted. This is also more likely to have a negative impact on minority communities because they reside largely in urban areas where vehicle emissions are highest. This move by the state opens the door for an escalation of health problems among its citizens.

Emissions from the oil refinery in the Virgin Islands are seen as playing a role in the incidence of asthma. In Detroit, mold is becoming a serious problem and is seen as one of the factors causing asthma. One participant reported on her ongoing battle with mold in her house. She is now unable to live in her house, and has lost many of her personal possessions because of it. Lead poisoning, and the use of dry cleaning solvents are also problematic for neighborhoods in Detroit.

Participants in Seattle reported problems with an ongoing smell coming from the Duwammish River that no one has been able to identify and/or correct. Representatives from the health and environmental agencies that were in attendance indicated that a number of investigations have been done, but they have not been able to pinpoint the problem and provide answers to residents of the impacted communities.

One Seattle participant mentioned a gravel company located on tribal land. The participant stated that the pit is emitting a lot of dust in the area and has caused breathing problems for his family and other members of the community. Also in Seattle, it is believed that pesticides being used on a peach farm are contributing to respiratory problems in children. These participants also commented that economic decisions resulted in the farm and the gravel company being located in their communities. Participants from Holly Hill, SC, reported that a nearby cement factory is the primary source of pollutants that contribute to respiratory problems in the community.

Cardiovascular Disease: Heart disease is the leading cause of death for all Americans except Asian and Pacific Islanders.⁸ A disproportionate burden of death and disability from cardiovascular disease exists in minority and low-income populations. African Americans have the highest mortality rates from heart disease, 50% higher than whites. Stroke is the third-leading cause of death in the U.S. African Americans have a mortality rate nearly 80% higher than Caucasians.⁵ South Carolina was referred to as the “stroke belt” by one participant, who attributed the incidence of strokes to the poor health conditions and exposure to environmental toxins that exist in the state. The stroke statement is born out by CDC statistics that show that South Carolina has the highest death rate from stroke in the South, and higher than the total U.S. population in general.⁹

Infant Mortality: Infant mortality is a serious disparity issue in all minority groups. It is especially important in the African American and Native American populations, where rates are twice those of Caucasians. Concerns about infant mortality and birth defects were of utmost importance for participants in Seattle, who mentioned increases in birth defects, including blue baby syndrome and babies being born without brains. One participant suggested a need for a Birth Defects Registry to document the increases that are being seen at the community level.

Diabetes: The prevalence of diabetes in African Americans is nearly 70% higher than in Caucasians. The prevalence for Hispanics is double the rate of Whites.¹ Many minority populations – African Americans, American Indians and Hispanics among them – experience disproportionately high incidence and death rates from diabetes. Forty to 70% of Native American adults age 45 to 74 were found to have diabetes in a recent screening study.³ In Seattle, one participant reported there was some evidence that dioxins was a cause of sugar diabetes and played a role in many community members’ losing their legs through amputation.

Skin Disorders: Participants mentioned the oil refinery in the Virgin Islands as a factor in an increase in skin rashes seen in the population living near the refinery. Skin rashes were also mentioned by a number of participants in South Carolina who lived near the cement factories.

Environmental Factors That Impact Health

While many participants mentioned specific health conditions, others referred more generally to environmental hazards that they believe contribute to adverse health conditions in their communities. These concerns ranged from the use of pesticides to noise pollution.

Testimony regarding pesticide use occurred in every Listening Session, with emphasis on pesticide use on farms and its impact on farm workers. In South Carolina, one participant raised concerns about the pesticides being used to control mosquito populations in resort and golf communities along the coast. There is concern that large amounts of pesticides are contaminating ground water and soil and adversely affecting year-round residents of nearby communities.

In New Mexico, participants talked about open sewers and dumpsites and the problems they cause. They also mention a microchip plant and its contamination of the ground water. A medical waste management company was also mentioned as a contributor to the contamination of ground water.

Landfills releasing pollutants are a serious concern for participants in all of the states visited. Southeast Michigan has a disproportionate number of landfills, stated one participant. Other Detroit participants were very concerned about the industrial waste coming in from Canada and being dumped in the Detroit River.

In Seattle, where there is a lot of nuclear activity associated with military bases, concerns were raised about decommissioned nuclear submarines being transported inland for storage, and the potential impact they may have, not only while in transit but also when stored. Residents believe the military should be accountable for polluting the environment and contaminating soldiers and civilians who live in the area.

Several participants mentioned education and training of health care professionals as needing special attention. The numbers of minority health care professionals are dwindling across the country. This is especially difficult for communities with large minority populations, where the need for culturally competent care is greatest. There is a need for health care providers who know and understand the populations that they serve and who are part of the community in which they live. This emphasizes the need for the education and training of nurses, physicians and allied health professional who are members of minority groups, and who will live in the communities they serve. This will greatly increase access to care and availability of services that is now lacking in these communities. This belief is reflected in a recent statement by Dr. Jordan J. Cohen, the President of the Association of American Medical Colleges: "A more diverse physician workforce will benefit every aspect of health care in this country. It will help tomorrow's doctors acquire the cultural competence they will need to treat our increasingly diverse society; it will provide underserved populations with greater access to physicians who share their ethnic heritage; and it will encourage more researchers to seek solutions to racial disparities in health care."

This statement brings up the critical need for faculty development, and the education and training of scientists who will do research that is sensitive to the needs of the population. Persons who are well trained, live in the community and are sensitive to the needs of the community can play a critical role in designing and implementing health studies in the community, and can further contribute by targeting studies to better focus on the social and biological make-up of the population. For example, one participant in Seattle mentioned that the risk assessment models for exposure that are being used are based on 165-pound white men, and should not be used as a marker for other ethnic and racial groups. Another felt that there was little or no understanding of the sensitivity to pollutants that tribal people may have. Training researchers with such knowledge potentially would reduce or eliminate these problems and health disparities in general. Participants see a need for stronger support of public health and allied health programs in Historically Black Colleges and Universities (HBCUs). Several HBCUs with health programs attended the sessions and shared what they were doing with the Commission.

Many participants reported concerns about the lack of health information available to them. They felt that polluting industries and the government were not sharing information regarding release of contaminants, lead levels, radiation, etc., with the people most affected and who are most likely to be exposed.

Commissioners also listened to the impassioned statement of a young physician who had moved back to his rural South Carolina home and was about to leave medicine because of the problems he was encountering in the “business” of providing care. His concerns included lack of support, the cost of doing business, and being able to meet the demands placed on him by the sheer numbers of persons in need. Losing people like him serves to widen the health disparities gap rather than close it. Every effort must be made to recruit, retain and sustain minority health care providers.

One participant raised the issue of the cost of health disparities. This needs to be addressed in a variety of ways, not only on what costs there are to the system for treatment and care, but the costs in terms of individual costs, and the costs incurred because of reduced productivity and lost days from work and school. The human costs should also be factored in. One participant suggested that policymakers see some of these environmental factors as a trade-off for jobs and economic growth, especially in low-income and minority communities. The notion is that it is better to be unhealthy and have a job than being healthy and unemployed. This should not be the choice that one should have.

What Is Being Done to Eliminate Disparities?

Participants who shared the problems and issues related to environmental factors negatively impacting their health also shared a number of ongoing activities in their communities to shed light on the problem and/or to help community members prevent or treat health conditions that may arise due to exposure.

In a number of cases, the faith community seems to be playing a key role and is seen by many as the right venue to address the issues of health disparities, especially in minority communities. The African Methodist Episcopal (AME) Church in South Carolina is a good example of this. It has a number of programs aimed at reducing disparities through risk reduction and health promotion. The AME church is actively working on diabetes and hypertension management and reduction and has focused on nutrition. In addition, traditional tribal religions are engaged in providing similar services to the populations they serve.

Participants mentioned a number of specific programs that are actively involved in reducing health disparities and environmental hazards. These include the Palmetto Project, with its Heart and Soul initiative providing youth-based health programs, and the Commun-I-Care Project that brings together volunteer health care providers, physicians, pharmaceutical companies and hospitals to provide free medical services to persons in South Carolina. In addition, the Tri-County Project Care leverages public and private resources to coordinate and deliver care for residents without access to affordable medical services.

¹CDC. 2002. *Fact Sheet: Racial and Ethnic Disparities in Health Status*. Retrieved on August 11, 2003. From <http://www.cdc.gov/od/oc/media/pressrel/fs020514b.htm>.

²HHS. 1998. *White House Fact Sheet; President Clinton Announces new racial and ethnic health disparities initiative*. Retrieved August 11, 2003. From <http://raceandhealth.hhs.gov/sidebars/sbinitPres.htm>.

³NIH. *Addressing Health Disparities: The NIH Program of Action*. Retrieved July 21, 2003. From <http://healthdisparities.nih.gov>.

⁴Congressional Record, June 4, 2003, H4971.

⁵DHHS. *Elimination Racial and Ethnic Disparities in Health*. Retrieved July 21, 2003. From <http://raceandhealth.hhs.gov/sidebars/sbinitOver.htm>

⁶NIEHS. *Health Disparities and Environmental Justice - NIEHS Research Initiatives*. Retrieved July 21, 2003.

From <http://www.niehs.nih.gov/external/resinit/ri-2.htm>.

⁷DHHS. *NIH Strategic Research Plan to Reduce and Ultimately Eliminate Health Disparities*. Retrieved July 21, 2003. From <http://www.nih.gov/about/hd/strategicplan.pdf>.

⁸National Center for Injury Prevention and Control. *10 Leading Causes of Death, United States, 2000*. Web-based Injury Statistics Query and Reporting System (WISQARSTM). Retrieved August 7, 2003. From www.cdc.gov/ncipc/osp/data.htm.

⁹CDC. 2002. *A Demographic and Health Snapshot of Region IV*. Presented at the Congressional Black Caucus Joint Meeting of the Environmental Justice and Health Braintrusts.

Key Recommendations from the Listening Sessions

- The Community must be part of agenda setting for health research and care.
- A national tracking system for acute and chronic disease and birth defects must be organized, publicized and used to identify where environmental regulations are inadequate.
- Physicians need training in environmental effects on health.
- Eliminating health disparities caused by environmental factors must be a national and state priority.
- The health impacts of cumulative risks must be incorporated into the environmental regulatory system.
- Departments of health and environment must coordinate more closely.
- The need to address health disparities is particularly urgent in times of economic downturn.
- Funding to deal with lead poisoning must be maintained.
- With public health sector resources dwindling, there must be a rethinking and restructuring of the role of the public health sector agencies in health service delivery.
- Health care agencies should get out of the business of providing direct services and into the business of facilitating delivery of services.

*E*nvironmental Impacts

At the conclusion of the first round of Listening Sessions held in 2000 and 2001 and following the subsequent deliberations, the Commission suggested two general approaches for policy makers to consider: “The first is to alter the activity of the agencies and players whose action (or inaction) impacts the affected community, e.g., require community consultation by state permitting agencies, or create additional oversight of state or local officials by creating new levels or functions of government. The second is to extend help or empowerment to the impacted community to help citizens better argue their case; e.g., expanded technical assistance or funding for administrative or legal support of groups within these communities.” Based on testimony heard during the second round of Listening Sessions, it appears that the need for these two general approaches remains, and in some areas may be greater than before, especially in those areas where questions of environmental policy and public health issues interface.

While these two general approaches are critical, the Commission is aware that, with respect to tribal communities, these approaches are not in themselves sufficient. Rather, to deal with the range of environmental issues facing tribal communities will require a federal commitment to empowering tribes as governments to perform their rightful roles in the environmental protection regulatory system, with the federal government filling in the gaps in the system when necessary.

The preceding section addressed health issues raised by participants in the public Listening Sessions. This section focuses on environmental concerns. However, in reviewing the testimony it immediately becomes obvious that the public Listening Session participants rarely made a distinction between environmental and health related issues. In Charleston a speaker suggested “Tobacco, coca, poppies, agriculture toxins in our environment...listen carefully to what’s happening to us. We suffer not from one single disease. We suffer from chronic diseases and several of them at the same time. The solutions to health disparities are complex and interactive. People have said, well, it’s the environment. Well, it’s lifestyle. Well, it’s health care. Well, it is all these things. It is all those things and they interact in certain ways that are complex and we must understand how they work.”

In addition, when expressing “environmental” concerns, participants defined “environmental” in the broader sense, to include those issues that relate to general quality of life and community well-being. Yes, there is concern about air and water quality and the safe treatment of solid and hazardous waste. But there is also concern about those elements and activities that comprise “daily life.” These include safe/convenient transportation, but not at the cost of destroying old neighborhoods; sufficient open-space/green space, not abandoned lots with garbage and other wastes; houses and buildings free from toxics such as lead paint or the excessive use of pesticides and herbicides; access to medical care and employment and safe communities; and access to economic prosperity, but not at the expense of health, environment or sacred places.

In reviewing the wide array of “environmental” concerns expressed at each of the Listening Sessions during 2002 and 2003, five issue areas seemed to dominate the testimony. While the entire list of “environmental” issues is enumerated in the attached appendix, this discussion will highlight those five core themes. These include:

- 1) Participants seldom make a distinction between public health and environmental issues, but see them as directly connected.
- 2) There is a strong sense that the federal government in particular does not sufficiently consider the effects of cumulative impacts in evaluating projects and actions.
- 3) Local zoning/land-use planning processes are flawed.
- 4) While speakers consider their local water and waste issues to be unique to their community, similar situations were presented at all the Listening Sessions.
- 5) Testimony after testimony provided evidence of the excessive burden and the effects of the inadequacies and disparity of services to these impacted communities.

The Connection Between Public Health and Environmental Issues

Speakers representing various government agencies noted that chronic disease causes the death of 70% of Americans, and yet most states do not have the necessary personnel or capacity to investigate clusters of chronic diseases and are not prepared to find or assist communities that may be at an elevated risk for such diseases. Those tracking programs that do exist at the state and local level often are inadequate. Moreover, there is no federal infrastructure to support such investigations and collaborations. A number of speakers recommended support for the Nationwide Health Tracking Act (HR 4061), introduced last year by Congresswoman Nancy Pelosi and co-sponsored by a bi-partisan delegation including Congressman James Clyburn, that would create a nationwide tracking network to collect, analyze and report data on chronic disease and the presence of relevant environmental factors and exposure. Data on Indian reservations should be tracked as such in these registries and not aggregated into countywide data.

Speakers further suggested that activities and facilities, such as tourism and golf courses, while not usually considered to be major sources of pollution, but often are, should be evaluated in terms of effects on both the health of the community and the environment. They urged additional regulation to address the health and environmental impacts of airports, citing the effects of sleep deprivation caused by noise, particularly night air cargo landing, as well as air impacts and increased traffic. They further suggested that residential areas and schools should be relocated away from airports.

Federal Responsibility for Cumulative Impact Evaluation

Much of the testimony emphasized the need for a greater degree of Federal responsibility in evaluating the cumulative environmental impacts within given areas. Many speakers urged that the National Environmental Policy Act (NEPA) should be amended. Recommendations included suggestions that Environmental Impact Statements be developed with improved quality control and should include health evaluations; that the federal government should stop subsidizing developments in the floodplains; and that existing NEPA regulations are not sufficient to protect heritage areas such as the Petroglyph National Monument. Information on the environmental impacts of federal projects not only should be available to the public, but also should be presented in a manner that is understandable to the community.

The representative from the U.S. Department of Agriculture Natural Resources Conservation Service suggested that there is a wealth of information available through the soil surveys conducted by the Conservation Service. Data on engineering limitations, inability of the soils to break down contaminants, the leachability of a soil, how fragile the zone is between the surface and the ground

water, etc., could be useful in identifying what some of the potential issues of concern might be at a site being considered for development. This is one of the many examples of the need for more communication of data and information from various agencies to the general public and impacted communities.

Some speakers stressed that federal regulation and policy should focus on the involuntary imposition of health impacts from carcinogens, rather than voluntary lifestyle issues. The Environmental Protection Agency needs to inventory actual environmental impacts in communities in order to identify the effects of regulatory loopholes and exemptions. Further, EPA should develop procedures to evaluate the local impacts of clusters of TRI facilities in communities. Rhonda Anderson, Sierra Club, urged that the Commission “bring national attention to the fact that pollution and illegal dumping occurs disproportionately in areas populated by poor whites and minorities.”

There was some discussion about the legislation pending in the Congress to exempt the Department of Defense and the Department of Energy from the environmental laws in areas of active operations. Such actions would move in the opposite direction of the general sense of the Listening Session speakers who urged greater accountability on the part of all levels of government.

Local Zoning/Land Use is Flawed

Speaker after speaker cited local zoning as the heart of exposure to toxics – and expressed the belief that local zoning and land-use planning decisions are most often made without representatives of the concerned/impacted groups, nor with regard to potential environmental and health concerns. As an example, one speaker described a municipality making a determination to put a road through a community without full understanding and support from the local community. Others referenced concentrations of fast food restaurants, liquor stores, dry cleaners, manufacturing facilities with noxious odors and dust and the resultant large volume of truck traffic and diesel exhaust within their communities without opportunity for community input. In Detroit, citizens discussed the three schools built in close proximity to an incinerator and urged that “some kind of approval” should be obtained from the local community prior to any project start-up. Speakers also further expressed the need for an Environmental Justice analysis to supplement the local zoning process. Inadequate land-use decisions also can negatively impact minority communities as commercial development encroaches on historic African American communities and gated communities redirect traffic into disadvantaged communities.

While local issues are extremely difficult to address from the federal perspective, the government can take steps to ensure that before federal dollars are invested in a project there has been widespread community outreach and involvement and there is clear support for the project. In addition the federal government has a responsibility to ensure that local communities are not subject to environmental degradation as a result of U.S. treaty obligations – such as the North American Free Trade Agreement (NAFTA). Detroit citizens expressed frustration with a company that had been allowed to truck wastewater from Canada for treatment and discharge into the Detroit water and sewer system.

Site-Specific Issues, While Unique, Share Common Themes Across the Country

As the public Listening Sessions moved across the country, citizens came forward to talk about local concerns and situations that they considered specific to their communities. Reflecting on the wealth of testimony that the Commission received, it became clear that, while particular problems are site-specific, underlying issues resonated across the country. Often related to untreated water, lack of a clean drinking water supply, untreated sewage, and air pollution, the bottom line shows a void in provision of the essential environmental infrastructure in communities throughout the U.S.

Testimony on the issues associated with discharge of raw, untreated sewage in the Virgin Islands and burning landfills and aquifers listed as Superfund sites were particularly compelling. An innovative, natural wastewater treatment system for the island of St. Croix could cost half as much as conventional treatment plants. By creating wetlands to filter the big island's sewage, about five million gallons of water could be recycled a day to area farmers and businesses, instead of simply discharging the wastewater into the ocean. Speakers suggested that similar innovative approaches could be used in other portions of the U.S., particularly in those rural areas that have not benefited from the infusion of federal funding that was directed primarily at larger metropolitan areas. Rural areas should not be overlooked. The groundwater impact of aging septic tanks and mobile home communities entirely lacking septic systems must be addressed, both in terms of replacement and corrective action.

Inadequacies and Disparity of Services to Impacted Communities

Speaker after speaker bore witness to the lack of essential services that are taken for granted in most communities – sewage treatment, garbage collection, good roads, public transportation, access to local health facilities. Brenda Smith in Detroit summed the situation up in her testimony: “Local and state government officials and high ranking civil servants have colluded with each other to disenfranchise residents, force them to live in environmentally deplorable conditions, and have transferred federal dollars meant for low and moderate income residents to the corporate, university, educational and cultural, real estate and financial institutions and communities. We live with unhealthy incinerators (three in immediate neighborhood), dumping in rivers and lakes, unlicensed landfills, recycling plants, asbestos, mercury and more. New construction is built on improperly filled urban renewal land and too close to incinerators. Residents in urban renewal areas in Detroit live in communities without sidewalks and without garbage pick-up.”

We were fortunate to receive testimony from a number of communities that are making headway – often by working through the local churches. Project Faith, a church program in South Carolina, is developing computer training centers, providing education and information regarding health care and information that diet and exercise can make a difference; environmental information concerning locations of hazardous waste sites; and information about how lead paint exposure can lead to hypertension. The African Methodist Episcopal Church, with the help of the Bill Gates Foundation, has developed the Health-E-AME website, providing opportunities for residents to research and understand their own medical problems and solutions/prevention. Further, the African Methodist Episcopal Churches have developed a Strategic Health Plan, an intensive

16-point strategic health plan to develop healthier congregations in the seventh district of South Carolina. One speaker summed up the church's work, as "information is power." "We know what the problems are... we're very, very interested in supporting research to understand why and how we can fix the problems. And that's why... information is power."

Key Recommendations from the Listening Sessions

- Alter the activity of the agencies and players whose action (or inaction) impacts the affected community; e.g., require community consultation by state permitting agencies, or create additional oversight of state or local officials by creating new levels or functions of government.
- Extend help or empowerment to impacted communities to help citizens better argue their case; e.g., expanded technical assistance or funding for administrative or legal support of groups within these communities
- Amend NEPA to require Environmental Impact Statements to include improved quality control and health evaluations, as well as inventories and evaluations of cumulative impacts in communities, before allowing federal dollars to be invested in local projects.
- Federal government should carefully review any funding directed to projects approved by local zoning, stop subsidizing developments in flood plains, and ensure that the environmental impacts of projects are made known to the local community, and there has been sufficient opportunity for widespread community outreach and involvement.
- Federal government should bear the responsibility to ensure that local communities are not subject to environmental degradation as a result of U.S. treaty obligations, such as the North Atlantic Free Trade Agreement.
- Many communities of concern lack basic infrastructure for sewage treatment, clean water and air pollution controls. Congressional appropriations should address these needs.
- Utilize the wealth of data available through the USDA Conservation Service soil survey program and other federal agencies to identify potential concerns of sites being considered for development.
- Support national health tracking legislation to create a nationwide tracking network to collect, analyze and report data on chronic disease and the presence of relevant environmental factors and exposure.
- Develop further regulation to address the health and environmental impacts of airports, including considering relocation of schools located near airports.
- Ensure citizens equal protection under Federal law, regardless of their location, income or race.
- EPA needs to inventory actual environmental impacts in communities in order to identify the effects of regulatory loopholes and exemptions.

Community Involvement

Efforts launched by many communities seeking participation, involvement, redress and a voice in environmental decision-making processes laid the foundation for the Environmental Justice movement. Their cause and campaign was to halt environmental degradation, prevent future pollution and address health impacts. The major concern of environmentally impacted communities has been the adverse health effects attributed to pollution and the lack of involvement in the decision-making process. These communities are concerned with both current and historic conditions. Many communities of color have expressed frustration and anger over the fact that they are systematically excluded from processes and activities that have a profound effect on the quality of their lives. Concerns paint a vivid picture of disenfranchisement and marginalization. Environmental inequities, environmental racism, lack of justice, and lack of capacity and resources resonate loud and clear from the voices heard by the Commission at its Listening Sessions throughout the country.

The deep commitment to Environmental Justice, cleanup of contaminated communities, neighborhood revitalization, sustainable development, and healthy people has transformed many residents into activists and advocates for a new way of doing business for the government, industry and the military. Robby Rodriquez of the Southwest Organizing Project suggested: “So another recommendation would be to start thinking about how it is that those resources can be made available to the public so that we can have more impact in public participation, because it means much more than just telling a body how it is that I feel when I wake up in the morning having smelled all these chemical odors.”

Participation in the Regulatory and Remedial Processes

Communities have called for greater participation and involvement partially because they perceive that people of color and poor communities have a much greater exposure to environmental pollutants than the rest of the populace and, unwillingly or unknowingly, bear a higher risk because they host a disproportionate number of these facilities.

Experience in involving communities early in the process, and consistently through all activities, has demonstrated its potential to speed up some cleanups as well as gain significant community/stakeholder support. Communication and dialogue are key ingredients in assuring meaningful involvement. The communities have a right to know, they have a right to participate, and they have a right to play a role in the decision-making processes associated with permitting, siting, planning, evaluating, selection, cleanup remedies, monitoring and other relevant activities. These rights are undergirded by the NEPA as well as Executive Order 12898 on Environmental Justice. NEPA’s fundamental policy is to “encourage productive and enjoyable harmony between man and his environment.” In the statute, Congress “recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.” The principles for considering Environmental Justice under NEPA and their instruction to agencies provide further clarity and support for real and meaningful public participation and community involvement.

The NEPA principles include the following key directions:

- Agencies should develop effective public participation strategies. Agencies should, as appropriate, acknowledge and seek to overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation, and should incorporate active outreach to affected groups.
- Agencies should assure meaningful community representation in the process. Agencies should be aware of the diverse constituencies within any particular community when they seek community representation and should endeavor to have complete representation of the community as a whole. Agencies also should be aware that community participation must occur as early as possible if it is to be meaningful.
- Agencies should seek tribal representation in the process in a manner that is consistent with the government-to-government relationship between the United States and tribal governments, the federal government's trust responsibility to federally-recognized tribes, and any treaty rights.

The National Conference of State Legislatures in its report entitled "Environmental Justice: A Matter of Perspective" describes the Executive Order in the following manner:

"Executive Order 12898. President Clinton signed Executive Order 12898 on Feb. 11, 1994, to address environmental justice. In this document, the president states that all communities and individuals, regardless of economic status or race, are entitled to a safe and healthy environment.

Two fundamental components of environmental justice were incorporated into the order: (1) the consideration of human health and socioeconomic factors and a valid incorporation of public sentiment into federal decision making and (2) the associated public education and outreach activities sponsored by each federal agency to obtain this input.

Under this order, unilateral federal decisions that in the past may have directly affected low-income or minority communities will no longer be tolerated. The order incorporates environmental justice into decision-making criteria. Federal information and education activities must be assessed using the principles of environmental justice. For example, if Spanish or Native American tribal languages are spoken in the regions surrounding proposed waste storage or disposal sites, the Department of Energy must consider whether relevant documents for public distribution require translation into the locally spoken languages. Provisions also may be necessary for the non-English-speaking attendees at federally sponsored public hearings or meetings."

The Executive Order contains particular emphasis on four issues pertinent to the NEPA process, and the order's accompanying memorandum identifies four important ways to consider Environmental Justice under NEPA.

- Each Federal agency should analyze the environmental effects, including human health,

economic, and social effects of Federal actions, including effects on minority populations, low-income populations, and Indian tribes, when such analysis is required by NEPA.

- Mitigation measures identified as part of an environmental assessment (EA), a finding of no significant impact (FONSI), an environmental impact statement (EIS), or a record of decision (ROD), should, whenever feasible, address significant and adverse environmental effects of proposed federal actions on minority populations, low-income populations, and Indian tribes.
- Each Federal agency must provide opportunities for effective community participation in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of public meetings, crucial documents, and notices.
- Review of NEPA compliance (such as EPA's review under § 309 of the Clean Air Act) must ensure that the lead agency preparing NEPA analyses the documentation has appropriately analyzed environmental effects on minority populations, low-income populations, or Indian tribes, including human health, social, and economic effects.

The third consideration relating to the provision of opportunities for involvement is key to our discussion. Government and industries must develop a strategy for effective public involvement at all levels of the process. An agency must seek input from communities of color, low-income populations and Indian tribes early in the process and make information both available and accessible.

The Special Concerns of Tribes

A special note must be made about American Indian and Alaska Native tribes. A number of factors warrant special attention for tribes. Many of these cannot be included in this report. However, we must note tribes are sovereign nations and have a special relationship with the federal government. They have special treaty rights, as well as unique economic and cultural factors that influence their participation and involvement in environmental decision making. One unique aspect of tribes is their ability to govern. This relationship is not accorded to other people of color communities. Tribes and their governing councils are sovereign entities, empowered with most of the requisite authority of self governance and what is called in parts of the African American community "kujichagulia," which means self determination. The Federal government has a trust responsibility towards tribes and individual Indian people.

Tribes as governments face a range of challenges in building environmental protection programs that are both effective and responsive to the concerns of their constituents. Tribal members are sometimes critical of their tribal governments. Wilbur Slockish of Seattle said: "We have no voice, but yet our tribal programs will bring in somebody that's not of our area because he has a degree after his name or they will bring a tribal person from another area to speak on our issues. This is wrong."

At the Albuquerque listening session, Commissioner Suagee shared his perspective to help the NEPC understand the context in which to view tribal issues:

“It’s been my experience in the last five or six years that applying the concepts of environmental justice to the situation of Indian tribes . . . presents a wide range of difficulties. . . . [T]he other communities of color that are engaged in environmental justice movement always want to claim tribal people as part of the movement, and there have always been individual Indians and grass roots tribal groups that have been a part of the movement, but a lot of the times, people have talked past each other.

“And I think that the basic problem is that . . . most people in the larger society don’t grasp the status of tribal government – that [of] self-governing sovereign entities within our American system of government. And in the environmental justice movement, a lot of times specific conflicts that come up, particularly with regard to things like the siting of polluting facilities and the cleanup of contaminated lands, the conflict is between the community and a government agency. In Indian country, at a basic level, the community is the government. People from the EJ movement who are used to challenging the government may charge in and challenge the tribal government, and they may do so without an appreciation for the many ways in which American law has made it difficult for tribes to function as modern government.”

The Progression from Public Participation to True Involvement

In the beginning of constructive engagement between environmental justice communities and the government, an overwhelming demand was made for public participation. As time evolved and these communities matured, a shift was made to call for community involvement rather than public participation. Somehow in the minds of community residents, involvement was a deeper level of participation where the affected community was a more significant stakeholder than just a participant.

Many who came before the Commission articulated a real distinction between public participation and community involvement and desired more of the latter. Environmental justice activists state that community involvement implies a degree of collaboration, which is a primary aim of community-based organizations as well as affected individuals. In this context, collaboration means committed partnerships among stakeholders, where partners work together in problem solving to achieve a common goal while leveraging resources -- informational, financial and human. People want to have power and influence, particularly as it relates to decision making that impact their lives and quality of health.

Mr. David Montesano said: “That’s one big question we should be asking ourselves. Why are these people polluting and causing us these great health problems in some of the poorest communities?” Marjorie Harris, Ph.D., President of Lewis College of Business, further stated: “Far too many of our African American parents and youth are living in unsafe environmental conditions which are threats to their health. Citizens in the Detroit area are living in residential areas where the fumes of garbage and waste incinerators are a part of the daily environment. Mercury poisoning from medical incinerators is a fact that Hamtramck residents are currently forced to deal with. Factories and plants in the downriver area are polluting the air and the water with toxins.”

The direct involvement/participation of community residents, particularly those that reside in the communities burdened by contamination, is critical to the development of solutions that are

responsive to community needs and concerns. Implicit in all the recommendations in this report is a call for meaningful and continuous community involvement/participation in every aspect of the development and implementation of environmental actions and problem solving.

The Need for Resources

Meaningful community involvement is impossible without the resources to conduct it. Victoria Planter of Seattle stated in testimony presented to the commission: “As I mentioned, that money has been substantially cut back, but what that allows the federal government to do is to only fund about 3.5 grants with the non-Superfund money. That’s 3.5 for four states. That is not appropriate at all. There has been some talk and fear in the community and in some of the federal agencies that money is reportedly going to be cut back. I don’t know if that’s true, but that’s what people have been concerned about. I think that’s something that should be presented to the correct people.”

Residents and activists both recommend the provision of technical assistance to communities to promote meaningful participation. The participants in the Listening Sessions addressing the Commission consistently stated a desire for increased levels of community participation in all aspects of environmental decision making. A diversity of communities from across the country -- addressing an array of issues and concerns -- had a common concern about the lack of community participation by impacted neighborhoods.

Pursuant to Executive Order 12898 on Environmental Justice, federal agencies are to make the achievement of environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental impacts of their programs, policies, and activities on minority populations, low income populations, and Indian tribes and allowing all portions of the population a meaningful opportunity to participate in the development of, compliance with, and enforcement of federal laws, regulations and policies affecting human health or the environment regardless of race, color, national origin, or income.

Key Recommendations from the Listening Sessions

- To be effective, government must move from public participation to true community involvement. This involvement means committed partnership among stakeholders.
- Community involvement must be part of all environmental actions and responses.
- Other environmental programs must have the funded community involvement provided in Superfund. Residents need technical assistance to participate in environmental decision making on an even playing field.

***E**nforcement Concerns*

In Listening Sessions in 2002 and 2003, Commission members heard no evidence that regulatory enforcement had improved since the time of its report issued in 2001. To the contrary, community and governmental representatives, in particular, testified to growing concerns about the adequacy of federal and state enforcement resources, lack of standards and enforcement against a growing list of sources of pollution, and lack of attention to the multiple sources of pollution clustered in communities of concern. The introductory remark to the section on enforcement in the NEPC 2001 report unfortunately continues to hold true: “Speaker after speaker mentioned loopholes, inconsistencies and omissions in the fabric of environmental regulation that must be repaired before communities can truly be protected.” In the second set of sessions, these concerns were magnified by descriptions of recent budget shortfalls leading to reduced agency staffing and elimination of the small community grants that allow citizens to play a dynamic role in monitoring compliance in their neighborhoods.

Inadequacy of Federal, State and Local Government Compliance Resources

The effects of budgetary constraints were described as falling with particular burden on communities of concern. Many representatives expressed the view that fiscal austerity in federal and state environmental budgets are exacerbating what is already seen as disparate enforcement of environmental obligations. The communities of concern that have suffered from erratic enforcement now experience no enforcement at all. Witnesses testified about persistent strong odors, fish kills, and troubling patterns of illness with no government resources to identify the source of pollution. This omission is objectionable to both business and community members since in the absence of adequate investigation and determination of the source of the problem, regulators resort to targeting the easiest source to review rather than the actual cause of the harm the community. Presenters were critical of both the local and state health and environmental agencies accountable for day-to-day enforcement, and of the federal government for its failure to exercise its duty to oversee delegated programs.

The infusion of funding into Homeland Security was seen as a potential resource for health and environmental surveillance. New resources enhancing security at water supply resources and new money for cleanup and monitoring were praised, but presenters also demanded that these funds be leveraged to address broader environmental and health concerns. Community representatives and their advocates also cautioned that security concerns in some cases impeded the community’s right to know about pollution and environmental risks in their neighborhoods. These speakers stressed the need to continue to enforce Toxic Release Inventory and other release reporting obligations. Technical Assistance Grants were also requested to assist community evaluation of compliance at all sources of potential pollution, not just Superfund sites.

One area of particular concern for children in communities of concern is the continuing high level of lead in blood. Presenters in Chicago during the previous Commission term described an effective program to focus on compliance with lead disclosure and remediation standards and to leverage

compliance penalty obligations to clean up lead in housing. Presenters in this session recommended litigation against property owners failing to meet their obligations to address lead. Both stressed that current successful lead cleanup programs show that critical health benefits can be obtained with modest but focused enforcement initiatives.

Need to Expand Resources to New Activities of Concern

Presenters at the five Listening Sessions brought to the Commission's attention a number of new areas of enforcement concern. Most fundamentally, speakers emphasized the pervasive effect of improper land-use planning on environmental conditions in communities of concern. The proximity of large and small sources of pollution to residents caused by the legacy of mixed zoning and zoning variances leaves no margin for error in environmental compliance. Because the receptors are so near, any inadequacy in a regulatory standard and any upset by a facility creates the potential for harm. As one speaker summarized:

"[Z]oning laws that were enacted 50, 60 years ago are still in effect today. And although people have residences near the facility, it's very easy for the regulatory agency to say, 'Well, it's zoned M,' and they can do whatever they want. There needs to be an environmental justice analysis that's attached to the regulations and the laws so that we do not continue to have to bear the burden of the toxic wastes in our community, because we cannot go back in time 50 years ago and change the zoning. . . . Ultimately, we need to remember that what's at stake is public health."

This speaker recommended that EPA account for the physical reality of multiple sources of pollution next to residences by better estimating negative health impacts when setting regulatory standards. The speaker also recommended including this calculation in computing penalties for non-compliance with existing law. Other speakers recommended an initiative to provide immediate relief in communities of concern by creating an environmental justice enforcement unit that would do enforcement sweeps in the most burdened communities of concern. To address the cumulative burdens in these communities, federal and state governments would identify the communities of concern most vulnerable to pollution and prioritize them for inspections of all regulated sources.

Many presenters discussed the need for a broader and more creative enforcement at the federal and state levels. Speakers recognized the need for compliance assistance for the many small sources of pollution uneducated about their environmental obligations and unequipped to comply with standards once they understand them. Sources of repeated complaint included junkyards, dry cleaners and auto repair shops, which often cluster in communities of concern and are rarely the subject of enforcement scrutiny. Crime and fires were mentioned as environmental violations in communities of concern. The adequate provision of sewage treatment services, and the need to rigorously enforce treatment obligations were emphasized. Speakers also stressed that self-regulation was an inadequate response to these problems. Government resources must be sufficient to inform facilities of their obligations, assist them in complying if they are small and unsophisticated, and then impose substantial penalties on all who fail to comply – large and small, public and private entities.

Health care professionals testifying before the Commission reminded that compliance with disease registry obligations has environmental implications. Disease registries are the baseline for identifying trends in exposure and evidence of the impacts of the various sources of pollution.

These professionals echoed the recommendations of community and governmental speakers that health and environmental agencies better coordinate to share information and leverage compliance staff.

Key Recommendations from the Listening Sessions

- In times of fiscal constraint, enforcement resources must be targeted at communities of concern – those communities with multiple facilities, vulnerable populations and a legacy of imprudent land-use planning and inadequate environmental enforcement.
- New enforcement resources authorized by the Department of Homeland Security should be leveraged to provide monitoring and cleanup to communities of concern, not restriction on information available on residents' health.
- The crisis of lead poisoning in children of color has not been addressed and requires enforcement of lead cleanup and abatement requirements.
- Environmental enforcement authorities should target for surveillance communities of concern where improper land-use planning puts pollution proximate to residents.
- EPA's regulatory standards should be established with consideration for the heightened danger posed by the proximity of multiple sources of pollution to residents.
- Federal and state enforcement authorities need to combine compliance assistance to small and uninformed entities with aggressive action against sophisticated parties and repeat offenders.
- Enforcement agents need to expand their scope to include all sources of pollution and nuisance in communities of concern and not just focus on facilities for which review is easiest.
- Compliance with disease registry obligations is an environmental justice priority.

*L*abor Issues

Although testimony varied among Listening Sessions, common themes with regard to labor and employment were the lack of employment opportunities and the alienation of corporations from the communities of color where their facilities are located. This issue is addressed in detail with regard to the importance of diversity when dealing with environmental protection and environmental justice issues. This section summarizes labor and employment issues that were emphasized before the Commission.

Labor and employment practices have been long associated with health and safety, but usually not with environmental protection or environmental justice. Yet, today such practices may impact not only health and safety issues, but may also play a key role in resolving environmental issues. As the nature of work changes, and as community issues become more complex, employment and labor practices are becoming more intimately related to environmental issues. Isolating such practices from environmental issues is not only difficult, but also often virtually impossible to do. Environmental justice groups, as well as other community advocates, frequently focus public awareness on the socio-economic and alleged race-based aspects of locating polluting facilities in communities of color. They correctly point out the disproportionate impact of locating such facilities in low-income areas or in communities heavily populated by people of color. They note that some corporations with facilities in these communities do not hire people who live there. Nor do they have diverse work forces that either understand or relate to the impacted communities.

Labor and Employment Issues of Concern

Many speakers in the Listening Sessions pointed out that revitalization endeavors, undertaken in the inner cities of many urban areas, have caused many low-income residents and people of color to be unfairly displaced and unjustly treated in the process. Working-class people and people of color are being driven from inner cities by more affluent, young upwardly mobile professionals transforming the neighborhoods' character, a process known as gentrification. While urban revitalization is important in achieving sustainable communities, this process needs to deal more justly with the negative impacts of gentrification, especially on low-income and people of color. Thus, gentrification, without mitigating its negative impacts, does not support sustainable communities because it ignores social equity. Sustainable communities require an integration of the economy, the environment and social equity.

Other negative impacts of revitalization, for example, often involve light rail projects that may also require the displacement of people of color. Residents are not only displaced by transit facilities, but they may even, find the system inaccessible to those who out of necessity must depend on such services.

Several speakers emphasized that the worker transportation needs of large companies should not be used as a justification for despoiling heritage sites, such as the Petroglyph National Monument in New Mexico. Similar views were expressed in the Virgin Islands. As stated by one speaker, "[A]lmost all of our estates on the island here on St. Croix have burial grounds. We have laws to protect these things, but one of the problems it's not being enforced. And the people [are]

totally unaware of what's really going on." While transportation routes are important, such as those contemplated in New Mexico, developing those routes should not override the need for sacred sites to be left undisturbed. Thus, transit or other agency decisions should not ignore the fact that sacred sites, from a cultural perspective, are places that honor religious freedom and protect cultural heritage, especially among Native Americans. Recognizing this important tenet as an environmental issue is essential to understanding the need for environmental protection and environmental justice.

Pesticide Issues

There was also testimony about workers' exposure to pesticides that pose serious environmental and health risks, especially to farm workers. Pesticides are purposely introduced into the environment to deal with a specific non-human target. For that reason, pesticide regulations do not focus solely on monitoring and assessing toxicity to humans. Rather, they focus on managing risk by limiting the exposure of humans to these toxic products. Although federal, state and local agencies have programs designed to protect people and the environment from harmful pesticide exposure, impacted communities, and farm workers in particular, do not believe these programs are adequate.

At the federal level, the EPA has established pesticide regulations for farm workers, known as the Worker Protection Standard (WPS). This standard is aimed at reducing the risk of pesticide exposure among agricultural workers and handlers of agricultural pesticides. Speakers at the Listening Sessions mentioned both the need to strengthen this standard and to assure that it is enforced in the field.

A 2002 report by the Pesticide Action Network North America, California Legal Rural Assistance Foundation, United Farm Workers, and Californians for Pesticide Reform, contends that California farm workers face a double threat. First, existing safety regulations do not protect workers or their families; and, second, the regulations that exist are frequently not enforced. The report surmises that since many other areas have standards below those of California – and California agriculture workers are being routinely exposed to pesticides at hazardous levels because of inadequate regulations and the lack of enforcement -- it appears that the nation's farm workers are at an elevated risk. Since growing evidence suggests chronic pesticide exposure may cause a variety of cancers, hormone or endocrine disruptions, or birth defects, more attention must be focused on pesticide exposure and on how pesticides break down in the environment, potentially contaminating soil, water and air.

The Need for Workforce Diversity

Dealing with the above issues will require more governmental intervention. But, equally important, it also presents a unique opportunity for corporations to become more involved in the solution of these issues through their employment practices and commitment to a diverse workforce. Public comments from several speakers suggested that some environmental protection and environmental justice issues would probably not occur in the first place, or could be quickly resolved in an equitable manner, if the work forces of corporations better reflected the composition of the communities in which their facilities are located. Commendably, many corporations do have environmental policies, but those policies seldom reflect a commitment to diversity and thus miss an opportunity

to enhance their environmental performance. To the extent companies avert adverse reactions to their operations and are able to create community goodwill, they earn an opportunity to enhance their operations; and most importantly, they gain a competitive advantage. This is important to their business success. According to an article in the May 2003 *Environmental Finance*, shareholders are now looking closely at the environmental performance of the companies where they invest their fund. This article makes clear that:

“Large corporations are facing growing pressure from socially responsible investors to improve their environmental and social performance. In the U.S., the Interfaith Center on Corporate Responsibility (ICCR), a veteran campaigning group, is at the heart of the new shareholder activism, using the power of persuasion backed by economic power ... With an estimated \$90 billion in assets held by its members, the ICCR has the economic clout to hold companies accountable for their behavior. And, over recent years, it has often led the charge in raising issues of concern, such as companies’ positions on climate change, marketing of genetically modified organisms and the cleaning up of PCBs (polychlorinated biphenyls, which are linked to cancer) -- often anticipating the issues that become pressing matters for company boards.”

A diverse workforce positions a corporation to anticipate many of these issues and take proactive steps to ensure it is socially responsible. Workforce diversity encompasses the many different and unique characteristics that employees bring to the workforce. These characteristics help to foster not only a better understanding of, and appreciation for differences, but also affect their ability to understand and respond to the needs of fellow employees and the diverse communities they serve. Such diversity enhances a corporation’s ability to identify sensitive environmental issues and adopt proactive policies and strategies that do not adversely impact communities of color. Too frequently, environmental justice issues flow from a failure to understand and appreciate the communities where their facilities are located.

Whether it involves environmental protection or environmental justice issues, environmental responsibility is important to the bottom line of corporations. A number of studies suggest that companies with strong environmental records often have superior performance. Many enlightened companies, that have environmental policies, have reduced their operating costs by adopting responsible environmental practices such as waste reduction, energy efficiency, and pollution prevention policies. At least one major gas and electric utility has gone even farther by adopting an environmental justice policy. Among other things the environmental justice policy requires the company to incorporate environmental justice considerations in its purchase of existing facilities and its planning and development of new facilities. The policy also commits the company to work with stakeholders to ensure that future development is compatible with existing and planned facility use and to accept responsibility for its operations and, in so doing, work collaboratively with its neighbors and surrounding communities. To ensure that the policy becomes a part of its culture, the company has developed a detailed “Environmental Justice Manual” to train its employees to integrate the policy into its business operations.

In the final analysis, diversity and responsible environmental practices improve corporate economic performance. Improving the quality of life in communities where companies operate not only enhances economic vitality, but also creates an environment conducive to business success. People want to live in communities with a high quality of life. Historically, and even today, many

communities of color have not had equal access to opportunity. Attaining such access, which leads to a better quality of life in many communities of color, requires affirmative action by government and the private sector.

Until recently, the federal government was a leader in advancing the rights of women and people of color. That leadership is viewed as faltering, and this could have long-term implications for achieving a diverse workforce as well as an impact on ensuring environmental justice. Fortunately, corporate America has stood firm against unwarranted attacks on affirmative action. Recognizing the importance of a diverse workforce in meeting their business objectives, corporations have made it clear that they have a tremendous stake in developing employees, citizens, and leaders who understand diverse cultures, and work collaboratively with, and learn from, others who come from different backgrounds. Such employees are likely to understand and appreciate the concerns of the various communities in which the corporations operate. Workforce diversity addresses recruitment, hiring, promotions, training and maintaining an enlightened organizational cultural. Affirmative action, according to corporate America, is an important tool in securing a diverse workforce and in gaining a competitive advantage. As correctly observed by a senior executive in *Profiles in Diversity Journal* (Vol. 5, No. 2 (March/April 2003)):

“Simply put, corporate America is defending diversity and their future -- an important societal policy that has enhanced the quality of their work forces, their efforts to successfully compete globally--indeed, the very ability of America’s businesses to continue to thrive in the twenty-first century.”

Finally, it is likely that a diverse workforce will not only better understand community issues, but better facilitate unique and creative approaches to problem-solving arising from the integration of different perspectives in resolving diverse issues. As for environmental protection and environmental justice issues, a diverse employee base is more likely to decrease the incidents of ignorance, prejudice, bigotry, stereotyping and discrimination, which can adversely impact facility-siting decisions and foster unwillingness by corporations to consider the views of the communities where their facilities are located. In today’s global economy, corporate social responsibility, including a firm commitment to diversity, must consider sustainable communities as strategic elements for economic competitiveness. Almost half of the United States’ population will be composed of people of color by the year 2050. Exposure to diverse ideas, perspectives, and interactions will become even more critical to corporate success. Companies with diverse work forces will undoubtedly gain important cross-cultural experience and understanding that will enable them to be more environmentally-responsible, and more competitive.

Key Recommendations from the Listening Sessions

- Sacred sites are important environmental issues that should be protected even when projects for economic development, transportation enhancement, or other societal benefits are being considered.
- The impacts of gentrification should be considered when revitalization in inner cities is undertaken, especially when it is likely to displace low-income and people of color.
- Pesticide exposure, especially as it relates to farm workers, should be further studied to ensure that existing regulations are adequate to protect humans and the environment, and a concerted effort should be made to ensure that existing regulations are strictly enforced.
- Evaluations should be done on how pesticides break down in the environment and on their potential to contaminate soil, water and air.
- More analysis should be done to determine the link of pesticide exposure to a variety of cancers, hormone or endocrine disruption, and birth defects.
- Workforce diversity is important to corporate environmental responsibility and should therefore be encouraged.
- Despite the attacks of the Bush Administration on affirmative action, Corporate America firmly supports affirmative action as an essential tool in achieving a diverse workforce, and thus should be applauded for its firm support of supporting affirmative action to achieve a diverse workforce.
- Corporations should be encouraged to employ a diverse workforce as a strategic imperative in achieving environmental responsibility.
- Corporations should be encouraged not only to have environmental policy statements, but also to adopt environmental justice policies.

*T*ribal Issues

As the National Environmental Policy Commission conducted its listening sessions around the country, one area of concern that was noted on numerous occasions is a widespread lack of awareness about tribal concerns with environmental issues. The Commission heard statements indicating that many people in this country, including people who work for federal agencies and for state and local government, do not have much understanding about how Indian tribes fit into our system of government. Since environmental protection and public health are subjects in which government agencies perform key roles, lack of awareness about how tribes fit into our federal system of government gets in the way of understanding environmental issues that are important to the people of reservation communities.¹

Background

American Indian and Alaska Native tribal communities² differ from other environmental justice (EJ) communities in several ways. They are also different from one another, and generalizations may not be accurate when applied to particular tribes. There are about 560 federally recognized tribes, including some 220 in Alaska.³ Each tribe has its own relationship with the federal government, shaped in part by legal documents that may include treaties, statutes and Executive Orders. Many tribes have relatively large reservations and thousands of tribal members; many more have small reservations and less than a thousand members.⁴ Quite a number do not have reservations, including all but one of the Alaska tribes.

Many of the differences between tribes and other EJ communities can be seen as implications of the legal status of Indian tribes under federal law. Tribes have the legal right to be different. They have the right to be culturally distinct from the larger American society, and they have the collective right of tribal self-government within their reservations, as sovereigns that are distinct from the states. The right of tribal self-government distinguishes Indian tribes from other EJ communities. While other EJ communities must compete with other constituencies for the attention of governmental officials, tribes can deal with environmental problems through enacting and enforcing laws – at least in theory. In reality, tribes face a unique array of limits on their sovereign powers.

The tribal right of self-government is particularly relevant in the realm of environmental law. Federal environmental statutes are administered primarily by states in cooperation with EPA. This approach is often called “environmental federalism.”⁵ In the 1970s, when it enacted the first generation of federal environmental laws, Congress did not consider how these laws would be carried out within Indian reservations. States were charged with leading roles, while tribes were left out of the process. In the mid-1980s, Congress began to rectify this oversight by enacting amendments to some of the major environmental laws authorizing tribes to develop environmental protection programs like those of the states. Although the legal framework is largely in place for tribes to become partners in cooperative environmental federalism, and quite a few tribes have taken on some of the roles of states pursuant to the federal statutes, most tribes have not, for a variety of reasons.

In addition to differences resulting from their legal status, tribal communities differ from other EJ

communities in ways that reflect their cultural ties to the environment. Tribal cultural practices and religious beliefs are rooted in the Earth and woven into the web of life. Tribal members use wildlife and plants and other natural resources in ways that are different from other ethnic groups that exist within the American society. They use places in the natural world for religious and cultural activities, and their oral traditions include stories about these places. Like other cultures, tribal cultures are dynamic, and most Indian people do not live the way their ancestors did, but traditional cultural and religious beliefs and practices are still important components of the identities of contemporary Indian people. These beliefs and practices, and the traditions in which they are grounded, help contemporary Indian people understand the ways in which human societies should relate to the rest of the web of life. While it is true that some immigrant minority populations have roots in similar cultural traditions from other parts of the world, it is also true that American Indian tribal cultures are indigenous to the United States with cultural roots in *this* land, and this is a significant difference from other minorities.

Alaska Native tribes are different from tribes in the “lower forty-eight.”⁶ There are some cultural differences, which is to be expected since the environments that Alaska Natives live in are different. Alaska Natives generally rely more on hunting, fishing and trapping for meeting their basic human needs such that their material culture – often called “subsistence” – is a core aspect of tribal identity for Alaska Natives to a greater degree than for most tribal communities in the lower forty-eight. The most significant differences, however, are found in the way they are treated in federal law. In 1971, Congress passed a law that treats tribes in Alaska differently from tribes in the lower forty-eight, the Alaska Native Claims Settlement Act (ANCSA).⁷ Under ANCSA, Alaska tribes (with one exception) no longer have “reservations.” Rather, most of the land that Alaska Natives own is held by regional corporations; Alaska Native villages, which generally are also considered federally recognized tribal governments, have much smaller land holdings than the regional corporations, and the village holdings are not formally designated as “reservations.” In interpreting ANCSA, the U.S. Supreme Court has cast major doubt on the extent to which Alaska Native tribes have territorial jurisdiction.⁸ One implication of this is that the interests of Alaska Natives are largely subject to the legislative power of the state government, which is controlled by the non-Natives who live in the state’s few urban areas. As such, Alaska Native tribes may have more in common with other EJ communities than tribes in the lower forty-eight – decisions affecting their environmental interests are made by governmental entities that are largely beyond their control. The Commission did not conduct a listening session in Alaska and did not receive testimony on issues of particular concern to Alaska Natives. While such concerns are not addressed in this report, they nevertheless do warrant attention.

Regulatory and Enforcement Issues

Perhaps the most pervasive EJ issue for Indian country is the comparative lack of environmental regulatory infrastructure. Federal laws such as the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act established prominent roles for states. EPA has a long-standing policy of recognizing tribal sovereignty and the right of self-government, including a formal “Policy for the Administration of Environmental Programs on Indian Reservations,”⁹ and EPA has long resisted assertions by states that they should have the same roles within reservations that they have elsewhere within their state borders. Building functioning regulatory programs, however, requires much more than policy favoring tribal authority. The main federal regulatory programs were designed to be carried out through partnership between EPA and the states, and, for some

programs, where there is no state partner, EPA is not well-equipped to do everything itself. For some aspects of the federal laws, EPA is not authorized to run programs directly, such as adopting water quality standards or running a permit program for municipal solid waste landfills. As a practical matter, most environmental enforcement actions are carried out by the states, with EPA devoting federal enforcement resources to a limited number of cases. This approach in Indian country has resulted in very few enforcement cases.

In the mid-1980s, Congress recognized that the federal laws needed to be amended to authorize a role for tribes comparable to the roles that states perform. In 1987 the Clean Water Act (CWA) was amended to authorize EPA to treat tribes like states, and so-called “treatment as a state” or “TAS” amendments to the Clean Air Act (CAA) were enacted in 1990. The Resources Conservation and Recovery Act has not yet been amended to include TAS provisions. TAS provisions in the CWA and CAA were really only the beginning of a long process to bring tribal governments into the framework of cooperative environmental federalism. EPA had to issue TAS rules for both statutes, and individual tribes had to make the decision, and commit the resources, to developing their own regulatory programs.¹⁰

Although a number of tribes have made substantial progress, in most of Indian country, the environmental regulatory infrastructure is just not comparable to what it is in most of the rest of the country. While the model of treating tribes as states is generally consistent with the sovereign status of tribes, and will work for some tribes, building tribal regulatory programs will take time and money. For some tribes, especially smaller ones with little in the way of non-federal revenue sources, there needs to be an alternative to treatment like states, an alternative in which EPA takes more direct responsibility.

Legal Challenges to Tribal Sovereignty

One major source of concern for tribes that seek to develop and carry out environmental protection programs is that, over the past 25 years, the U.S. Supreme Court has wrought substantial changes in the field of federal Indian law. Many legal scholars have strongly criticized the Court’s recent Indian law decisions, which have departed from long-standing principles.¹¹ One of the key developments is that the Court has ruled that, in addition to giving up certain powers in treaties and having certain powers taken away by acts of Congress, tribal governments can also be divested of certain aspects of their inherent sovereignty by implication from their dependent status. The Court is particularly leery of tribal governmental authority over the activities of non-Indians, especially on land within reservations that is no longer held in federal trust status. The practical consequence of the Court’s recent rulings is to encourage litigation by persons who do not think that they should be subject to tribal authority. Tribes that seek to perform the role of environmental regulator can expect to have to defend lawsuits. In recent years, EPA has become increasingly reluctant to approve tribal applications for “treatment as a state” out of concerns that its decisions will be challenged in court. Congress could seek ways to address this subject that take into account the legitimate concerns of nonmembers while still supporting tribal sovereignty.

Applying the Concept of Environmental Justice to Indian Country

The concept of environmental justice can be difficult to apply to situations arising within Indian reservations. In most environmental justice cases, there are several kinds of entities involved,

typically at least: a community comprised of minority and/or low-income people; a business that either wants to do or is doing something that causes environmental impacts that the community wants to prevent or stop; and a government agency that has permitting or other regulatory authority. Often there is more than one entity of one or another of these categories; for example, both a state and a federal agency, or more than one minority community that is up in arms.

In Indian country, the tribe might fit into all three of these categories. The people who comprise the tribe might be seen as an environmental justice community, in that they are generally considered an ethnic minority (and perhaps a racial minority) and most of the families may also be low-income. The tribe is also a sovereign government, and as such may exercise regulatory or permitting authority over the facility that would cause (or is causing) the environmental impacts that the community wants to stop. (A federal agency or two likely also has some authority over the facility, but the tribe's status as a sovereign government is always an important factor in dealing with polluting facilities within reservation boundaries.) In addition, the tribe may also be the business that operates, or seeks to operate, the polluting facility. The tribe might do this through a tribal enterprise or through a joint venture with a private business or through a governmental institution, for example a utilities department that operates facilities such as wastewater treatment plants and landfills.

The Commission received some testimony on environmental problems affecting a reservation (the Jicarilla Apache Reservation) that was similar to environmental justice claims made by many other communities – the activity causing the problem occurred just outside the reservation boundary and the tribe had virtually no influence over it. In this case, the Jicarilla Apache were adversely impacted by Operation Gas Buggy, a government-industry experience conducted in 1967 to see if nuclear explosions would release natural gas. These explosions are believed to have had long-term cancer impacts. There are many such cases across the country, cases that sound like rather typical EJ cases.

The Commission also received testimony regarding damage to places outside reservation boundaries that hold religious and cultural importance for tribes. One such case involves the Petroglyphs National Monument in Albuquerque. There are many similar cases in different parts of the country. In some ways such cases are similar to other EJ cases, in that the tribe or Indian organization that objects to the project has little or no control over the decision-making process. In another way, such cases are unique to tribal cultures because other groups do not have places in the landscape that have religious and cultural importance going back countless generations. The Commission is aware that the National Congress of American Indians has convened a coalition of organizations concerned with the protection of tribal sacred places.

The Commission is aware that more complicated EJ cases have arisen within reservation boundaries in which tribal members felt that they had not had meaningful opportunities to participate in tribal government decisions, and in federal agency decisions approving tribal decisions. Such cases present difficult issues, in part because opponents of a project may challenge the tribal government's authority, rather than just its decision. Conversely, tribal officials may perceive any challenge as a challenge to their authority, and not just a challenge to a particular decision.

The Commission also heard some testimony from tribal members who experienced having been ignored by state and local government agencies because of an apparent misunderstanding of the

government-to-government relationship between the federal government and the tribe. Some people (in federal agencies and in state and local government agencies) apparently believe that all contact with Indian people must be channeled through the tribal government. The Commission believes that individual tribal members are entitled to exercise their rights as U.S. citizens and express their views to federal (and state and local) government agencies as other citizens do, and that taking such individual views into account is not inconsistent with respect for the governmental status of tribes. In a variation on this theme, at the Seattle listening session, one tribal member expressed concern that his tribal government hired people from outside the community because they had academic qualifications and then such people were presented to the non-Indian community as spokespersons for the tribe. As a government, a tribe has the discretion to choose its own spokespersons, but this should not mean that concerned tribal members are not allowed to express their views as citizens.

¹ This section of the report has drawn heavily on a paper written by Commissioner Suagee for the Second National People of Color Environmental Leadership Summit, Washington, D.C., Oct. 2002, entitled "Dimensions of Environmental Justice in Indian Country and Native Alaska."

² This section of the report generally uses the terms "American Indian" or "Indian" and "Alaska Native" rather than "Native American," mainly because the term "Indian" is defined in federal law by reference to membership in a tribe. For most purposes, the term "Indian tribe" includes Alaska Native villages. For further discussion of these terms *see generally*, FELIX S. COHEN, HANDBOOK OF FEDERAL INDIAN LAW 1-46 (1982 ed.).

³ Bureau of Indian Affairs, Indian Entities Recognized and Eligible to Receive Services from the U.S. Bureau of Indian Affairs. 67 Fed. Reg. 46328 (July 12, 2002) (listing 562 federally recognized tribes).

⁴ *See generally* AMERICAN INDIAN RESERVATIONS AND TRUST AREAS (compiled and edited by Veronica E. Velarde Tiller, Tiller Research Inc., Albuquerque, NM, 1996). There are also a number of groups that are not federally-recognized as tribes, of which some are recognized by a state, some are engaged in seeking federal recognition, and some were once federally recognized but were "terminated" in the 1950s.

⁵ *See* Robert V. Percival, *Environmental Federalism: Historical Roots and Contemporary Models*, 54 MD. L. REV. 1141 (1995).

⁶ *See generally*, Cohen, *supra* note 2, at 739-70.

⁷ Pub. L. No. 92-203 (codified as amended at 43 U.S.C. §§1601 -1628).

⁸ *Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998) (holding that a tribe's former reservation, now owned in fee by the tribal government, is not "Indian country" and so the tribe authority, as an aspect of its inherent sovereignty, to enact and enforce a business activity tax). *See* Dean B. Suagee, *Cruel Irony in the Quest of an Alaska Native Tribe for Self-Determination*, 13 NATURAL RESOURCES & ENVIRONMENT 495 (Winter 1999).

⁹ Available at: www.epa.gov/indian/policyinitivs.htm.

¹⁰ *See generally* David F. Coursen, *Tribes as States: Indian Tribal Authority to Regulate and Enforce Federal Environmental Laws and Regulations*, 23 ENVTL L. REP. 10579 (1993).

¹¹ *See* David H. Getches, *Conquering the Cultural Frontier: The New Subjectivism of the Supreme court in Indian Law*, 84 CAL. L. REV. 1573 (1996); Philip P. Frickey, *A Common Law for Our Age of Colonialism: The Judicial Divestiture of Tribal Authority over Nonmembers*, 109 YALE L. REV. 1 (1999); Dean B. Suagee, *The Supreme Court's "Whack-a-Mole" Game Theory in Federal Indian Law, a Theory that Has No Place in the Realm of Environmental Law*, 7 GREAT PLAINS NAT. RES. J. 90 (2002).

Key Recommendations from the Listening Sessions

- Legislation to give EPA a mandate for direct implementation of federal environmental laws in Indian country [and Native Alaska], as a complement and alternative to treatment of tribes as states.
- Legislation affirming the inherent sovereignty of tribes to carry out environmental regulatory programs within reservation boundaries, with delegation of federal power as a safeguard to avoid legal challenges to tribal authority, and with right of judicial review in federal court (in appropriate cases and after exhaustion of tribal remedies) to review compliance with Indian Civil Rights Act but not to argue that tribe lacks sovereignty over the subject matter.
- Legislation to assist tribal governments in developing environmental review processes under tribal law, in ways that ensure meaningful opportunities for concerned members of the public (including persons who are not tribal members) to become involved and make their views known before decisions are made, and to have genuine input into tribal government decisions that affect them.
- Support for cooperative agreements between tribes and states/local governments.

***I**nternational Issues & Issues Involving U. S. Territories*

Environmental and health issues do not respect national boundaries. As astutely observed by a person at one Listening Session, “It’s not possible for us to separate the conditions, both on the Canadian and the Mexican border, with the beautiful country of Mexico. Those environmental injustices, whether they take place in the workplace or whether they take place in communities throughout this world, in many cases are very similar.” This observation applies equally to the territories of the United States, where communities of concern lack the resources and fundamental environmental and health benefits generally available in the domestic United States. Environmental and health issues transcend national boundaries, often creating health and environmental issues inside and outside boundaries.

The Impact of Global Markets

The development of global markets has transformed how nations relate to one another and have made technology more readily available to assist globalization. With the development of global markets and the global expansion of the economy, environmental and health issues have also become more global. Whether within the borders of the United States or within U. S. territories, Mexico or Canada, environmental protection, environmental justice and health issues are of paramount concern to impacted communities. To better understand the environmental and health issues, and how they relate to one another, the Commission held hearings in St. Thomas and St. Croix, Virgin Islands. Hearings were also held in Detroit, MI, which shares its borders with Canada.

In Detroit, a heavily African American populated city located across the river from Windsor, Canada, the Commission listened to concerns from several individuals about Canadian impacts on Detroit’s environment. A representative of the Sierra Club testified at length about a Canadian company that allegedly brought “non-toxic industrial waste water” to Detroit and discharged it “through the sewer system” in Detroit. Another speaker, referring to the same company, stated: “Canada did not want this pollution ... so they brought it over and have been discharging it into Detroit water and sewer system.” The latter speaker indicated that the Canadian Company was able to make the discharge into the system because the North American Free Trade Agreement (NAFTA) “prohibits a government [from] interfering with a foreign corporation’s ability to make a profit.” Yet another speaker contended that the U.S. is in collusion with Canada by bringing pollutants into the U.S. and dumping them in Detroit primarily because people of color heavily populate the city.

Another speaker testified that he observed a Canadian Company removing signs prior to entering the United States that identified the vehicles as hauling hazardous industrial wastewater. Whether their claims were myth or fact, the speakers were passionate in their statements. The testimony indicated not only a deep suspicion that NAFTA allows foreign companies to pollute, but also a frustration with accessing local, state, and federal agencies to address the issue. In addition to the speakers’ confusion about the role of NAFTA, there was also confusion about the permitting process in Detroit and what, if any, impacts NAFTA may have on that process. Lack of knowledge and understanding were evident and apparently fueled their frustration. On the other hand, there

have been some reported shortcomings of NAFTA, including the allegation that it only considers the needs and benefits of industrialized nations. Apparently, border issues such as pollution and labor were not fully considered by NAFTA. The potential negative impacts of NAFTA on environmental protection and health issues merit review.

Infrastructure Needs

Listening Sessions in the Virgin Islands, a United States territory, also revealed a high level of frustration not only regarding environmental issues, but also about the lack of access to health care. Some Virgin Island residents believe their plight is often overlooked by the U. S., and that their environmental concerns and health needs are largely ignored. Health care issues are of particular concern not only in the Virgin Islands, but also to people of color throughout the U.S. There are over 40 million people in the U.S. who have no health insurance, and another 40 million plus who are underinsured. Clearly, health care is a national issue, but in the Virgin Islands, and in St. Croix, particularly, it is an acute issue.

One person testified at length about the lack of medical treatment facilities for cancer patients in St. Croix. She surmised that factors such as sewage, lack of clean water, lack of fruits and vegetables in the diet, and environmental pollution, are responsible for the “high” rate of cancer. The President of the American Cancer Society, St. Croix Unit, testified, “cancer has had a ravaging effect on our community in St. Croix.” She contends that for several years, “we have seen a large number of cancer patients on St. Croix.” Shockingly, in St. Croix, there is not a single oncologist to treat cancer. Patients must fly to San Juan, Puerto Rico, for treatment. Traveling to San Juan is often a costly and painful experience for low-income residents. Some residents simply cannot afford treatment. Apparently a cancer treatment facility is being planned for St. Thomas, but even when it is constructed, patients must still travel there from St. Croix to receive treatment. Thus, the President of the Cancer Society recommended that, “we have a [treatment] facility on St. Croix where patients can have their self treatment, like chemotherapy and ...radiation.”

Other testimony indicated that some of the health problems emanate from the Medicaid cap, which often is reached long before the needs of patients are met. Moreover, hospital capacity is severely limited in the Virgin Islands. At least one speaker attributed the lack of access to health care to the lack of political clout of U. S. territories. He indicated that the U. S. Virgin Islands are entitled to full rights in the U.S. Congress, yet, if the vote of the Delegate to Congress counts, it is disregarded. This is so because the vote from the V. I. Delegate cannot be use to constitute a majority vote on an issue.

Other speakers focused on environmentally related issues indicating that too little attention is paid to environmental sustainability. Poverty is often linked to the lack of sustainable development. In particular, one speaker focused at length on agriculture, which, he claimed, had been an important part of the island’s economy, at one time, but is no longer. As a result, agricultural lands are disappearing. The speaker indicated that when the U.S. acquired the Virgin Islands, St. Croix had 4000 acres of farmland, but only 1500 acres today due to development. In his words, St. Croix has gone from “a sugarcane industry to a Hess Oil Refinery.” The speaker wants the 1500 acres of farmland preserved. As he sees it, “with an agriculture industry, you could now have eco-tourism, agri-tourism, historical-tourism, which is something that the Virgin Islands need.” Moreover, he contends “\$300 million dollars is spent on food every year [and] ninety percent of that food could

be grown right here in the Virgin Islands [and] we want that to happen.” To preserve agricultural lands on the Islands, several speakers concluded that the Department of Agriculture should provide training and support.

Lack of empowerment was another issue raised by some speakers. For example, they spoke to the need for more national park services to enhance knowledge of the community and the practices of the island. Other testimony focused on beach erosion. Suggestions were made that the Corps of Engineers’ standards of cost-benefit analysis for beach erosion are inappropriate for small territories like the Virgin Islands that have extensive beaches and higher dependence on beaches for economic support. Thus, more attention should be paid to repairing the beaches, especially since they are tourist attractions.

Some speakers addressed concerns regarding St. Croix’s inadequate water treatment and sewage systems and lack of land and water use plans. One speaker lamented, “In the abundance of water, we are thirsty, and it should not be like that....[b]ecause we have the technology to develop water.” Regarding the sewage situation, Mr. Kelly C. Gloger, a member of Sustainable Systems and Design International, testified that St. Croix has “1.5 million gallons a day of wastewater which only receives primary treatment.” He also asserted that another 1.5 to 5 millions gallons a day of wastewater currently thrown away, could be treated for use by farmers and for other beneficial uses. According to testimony, the EPA needs to become more actively involved in disseminating information about the most effective waste and water treatment technologies. Resources should be made available to support environmental agencies in the territories.

Other issues, such as emissions from the oil refinery and the lack of effective regulation and enforcement by regulators, allow the refinery to adversely impact the quality of life in St. Croix. Some contend that the oil refinery is a major source of radiation and numerous airborne pollutants and chemicals which some believe “directly contribute to cancer and respiratory and bronchial problems.”

Testimony indicated that vehicular emission standards are generally ignored in the islands where there are too many cars. Allegedly, there are no air emission regulations imposed on vehicles imported to the Islands, nor a limit on the number of vehicles imported. Thus, the importation of vehicles must be addressed to mitigate their adverse environmental impacts. Also, efforts should be made to establish and maintain an efficient public transit system to reduce emissions and the number of vehicles imported and on the road.

According to several speakers, other problems such as burning garbage, dead animals, increased rum production, and the lack of funds for an adequate public transportation system all contribute to health problems and environmental degradation. A special emphasis was given to the fact that “the people whose lives directly are physically, emotionally and economically affected [by pollutants], are not the collective recipients of any financial benefits paid by companies who pollute our environment.” To remedy this problem, testimony suggested that when penalties are collected for environmental violation, the funds should be returned to the islands for community projects that improve local environmental conditions rather than retained by the federal government. While more is needed from the federal government, one speaker emphasized the need for “local control with national oversight.”

Key Recommendations from the Listening Sessions

- There should be better enforcement of wastewater discharges from Canadian sources into the water and sewage system(s) in the Detroit area.
- Local, state and federal agencies should coordinate their enforcement procedures for Canadian water discharge in the Detroit area, and disseminate information to the residents on the nature of such discharges, and whether such discharges have any adverse environmental impact.
- A study should be conducted to determine whether Michigan's elimination of its vehicle emissions requirements is having an adverse impact on the environment.
- U.S. Department of Agriculture should provide training and support for preservation of prime agriculture lands in the Virgin Islands.
- Effective standards for drinking water and the for the treatment of raw sewage should be developed by the EPA, and enforced in V.I. which should encompass a compressive land and water use plan.
- Adequate health care and treatment facilities should be located in St. Croix.
- The U.S. Government should provide more resources to support environmental agencies in the territories.
- Oil refinery environmental emission regulations should be adequate to protect not only the health of the residents, but also protect the environment. And, these regulations should be enforced.
- Imported vehicles into V.I. should meet emission standards, thus reducing air pollution.
- Federal government, in cooperation with local government, should take the lead in ensuring that the environmental regulations are adequate to protect the human health and the environment.
- Impacts of pollution on indigenous plants and products should be assessed and controlled.
- More and better interagency cooperation is needed to deal effectively with health and environmental issues.
- Better information and effective regulations should apply to animal and plant importation to ensure that unintended plants and animals are inadvertently brought into the V.I.

Federal Facilities

Addressing issues related to federal facilities remains a daunting challenge, according to residents and organizations working on contaminated sites under the authority of Department of Energy (DOE) and Department of Defense (DOD).

Remedial Needs

According to recent statistics, billions of dollars will be needed to clean up federal facilities. Timothy Fields, Jr., former Assistant Administrator of Solid Waste and Emergency Response, U.S. Environmental Protection Agency, in a keynote address to an audience of academicians, communities living near a federal facility and government leaders, outlined the scope of contamination facing communities. He summarized that our national landscape includes 1,400 Superfund sites now on the National Priorities List. Seventy thousand Americans live near one or more Superfund sites, and 500,000 Brownfields exist across the country. Major federal facilities are located in many communities. There are 20 Department of Energy sites that exist and 120 Department of Defense military facilities causing major contamination within communities – some of which are on the NPL, others are addressed under other federal and state programs. Although the government has begun to address military contamination on tribal lands, many sites have yet to be inventoried and addressed. Communities of color live near Superfund and federal facility sites. The contamination includes many types of sites ranging from abandoned mines to major weapons production facilities next to urban and rural areas.

The U.S. government is responsible for the cleanup of federal facilities, at a cost estimated in the billions of dollars over the next 100 years. Efforts must be made to identify, address, and clean up this contamination, as well as to engage the community in assessments of health impacts and future land uses for property after contamination is addressed.

Department of Energy, Department of Defense and in some instances Department of the Interior (DOI) have in their possession the environmental legacy of the race to build and use nuclear weapons over the last 50 years. These Departments are responsible for cleaning up and safely managing production facilities, research laboratories, uranium-milling sites, manufacturing sites, formerly used defense sites and other sites assigned by Congress. According to the Federal Facilities Environmental Restoration Dialogue Committee, the estimated number and magnitude of environmental contamination problems are greatest at Department of Defense and Department of Energy facilities. Most of the environmental contamination associated with federal facilities is the result of DOE or DOD activities. The report further states that, historically, the national defense mission often took primacy over other objectives, including environmental stewardship. The commitment to the defense mission also promoted a general resistance to external oversight through public participation or community involvement.

The scope of federal facilities affecting community health and the environment is broad and poorly understood. When most people refer to “federal facilities,” they are speaking about DOD and DOE facilities. In contrast to DOD and DOE, the U.S. Department of Agriculture and Department of the Interior directly caused only a small percentage of environmental contamination on lands they

manage. The Federal Facilities Environmental Restoration Dialogue Committee describes these sites:

“Unlike DOD and DOE, the USDA and DOI directly caused only a small percentage of environmental contamination on lands they manage. Laws such as the Mining Act of 1872 authorized nonfederal activities to take place on public lands that resulted in active, inactive and abandoned mines, municipal and county landfills, and shooting ranges, all of which have significant environmental contamination associated with them. ‘Midnight dumping’ of hazardous waste, illegal ‘drug labs,’ pipeline breaks, and releases of petroleum products and hazardous substances associated with transportation accidents have also contributed to the environmental contamination present on these federal lands. USDA and DOI believe that many of these sites are not ‘federal facilities’ under CERCLA. They are included as part of these agencies’ cleanup programs where appropriate to protect human health and the environment.”¹

Indian reservations and Alaska Native villages present their own unique variations on problems relating to federal facilities. Many facilities were originally constructed by the Bureau of Indian Affairs (BIA) or Indian Health Service (IHS), but are now operated by tribal governments. Some of these facilities have pollution problems resulting from federal agency actions years ago, but which tribes struggle with in the present. Many tribal communities, especially Alaska Native villages, cope with the residual environmental impacts of sites formerly used by Department of Defense (DOD) agencies. While DOD has a program to help tribes identify such sites and seek assistance for remediation, the Commission is not aware of how successful this program is in actually achieving remediation.

Testimony was provided to the Commission that highlights the complexity of engaging the government on federal facilities, particularly where tribal sovereignty intersects with decision-making activities. Representatives from grassroots networks, national organizations and communities in the shadows of the U.S. nuclear weapons complex and DOD sites brought testimony about many issues associated with cleanup, production, impact on sacred sites and limitations on future land uses. They shared their experiences and their belief that they had fundamental rights to public safety, environmental quality, government accountability, democracy and a better quality of health.

Wilbur Slockish testified in Seattle, saying: “We have had a large increase in cancers in my own immediate family. Seven out of 12 of my elders have passed away from cancers. We never had any of those illnesses until they constructed the Hanford facility.” This sentiment was echoed by Martin Yanez of the Northwest Community Education Center for Environmental Justice in the Yakima Nation:

“The health problems over the last 50 years are now more numerous in forms of cancer, birth defects. There is some documentation of the Blue Baby Syndrome from the Department of Health, Washington State Department of Health. There are clusters of different diseases such as asthma around the lower Valley and primarily in the Toppenish area where I live. There are children that are now being born – more now than in the last ten years – with different forms of birth defects. The last one that I know of – because they’re not really reported publicly – is a baby that was born just six weeks ago and died. He was born

without a brain. In talking to farm worker just last week, a lady friend – her baby was born with no arms; just tiny stumps.”

Those who brought testimony were grateful to the Commission for the opportunity to make their voices heard at a national level and to explain their concerns to people trying to impact policy makers. In its first report, the Commission presented the Executive Order 12898 and the Order’s relationship to environmental policy and environmental justice concerns and considerations. These public Listening Sessions provided a vital forum for community members to describe their experiences and recommend constructive change.

The Obligations of NEPA and Executive Order 12898

In considering the need for change with regard to federal facility impacts on communities of concern, it is important to recall the terms of Executive Order 12898, which requires that “each federal agency . . . make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations.” The Executive Order’s provisions apply to tribal programs as well. The memorandum that accompanied Executive Order 12898 recognized the importance of procedures under the National Environmental Policy Act, for identifying and addressing environmental justice concerns. It states that: “Each federal agency shall analyze the environmental effects, including effects on minority communities and low income communities, when such analysis is required by NEPA.” The memorandum emphasizes the importance of NEPA’s public participation process, directing that: “each Federal agency shall provide opportunities for community input in the NEPA process.” Federal agencies, including those addressing federal facilities, are directed to “identify potential effects and mitigation measures in consultation with affected communities, and improve the accessibility of meetings, crucial documents, and notices.”

Heather Whiteman Runs Him of the Jicarilla Apache Nation stated in public testimony: “While the Nation recognizes that there was a time when national security interests may very well have provided a justification for withholding accurate figures, we believe that the time has changed, and it’s now time to give full and accurate information to the Nation so that they can assess the needs of the people. They need to access complete and accurate records to monitor the area themselves, as well as to remediate any damage done to their resources and their population. It’s crucial for the Nation to be able to determine how to proceed. Congress has the power to grant the Nation access to accurate information that was formerly classified due to national security interests. It’s certainly possible for the Nation to assess whether information has been altered or withheld. Much of the information received from various agencies is incomplete, and we feel it’s very likely inaccurate. If the actual – if the release of actual data is being prevented by national security interests, Congress has the power to mandate that this crucial information be released in its entirety to the Jicarilla Apache Nation.”

The communities living near federal facilities offered testimony that demonstrated that even through the Executive Order exists, it has not ensured that public participation strategies are implemented, and too few federal employees view its public participation obligations as a positive process with added value. The Southwest Organizing Project representatives made this clear in New Mexico, and the farm worker organization underscored what had already been shared with the Commission.

The Executive Order requires agencies to work to ensure effective public participation and access to information. Thus, within its NEPA process and through other appropriate mechanisms, each Federal agency shall, “whenever practicable and appropriate, translate crucial public documents, notices and hearings, relating to human health or the environment for limited English speaking populations.” In addition, each agency should work to “ensure that public documents, notices, and hearing relating to human health or the environment are concise, understandable, and readily accessible to the public”. What the Commission heard did not provide a picture of a landscape where the provisions of NEPA and the Executive Order are successfully, practiced and enforced.

Robby Rodriquez of the Southwest Organizing Project summarized the purpose of NEPA concisely: “So the playing field must be level. So how do we do that? One is that NEPA – and some of you have been members of that – has come up with recommendations on public participation. And more often than not, lots of our time is spent trying to keep in place some of the laws that exist, while industry continues to try to erode those. So we need support and we need allies to, if not strengthen those laws, at the very least to not have them continue to be eroded. And public participation is an important piece of that.”

The specific concerns raised in the Listening Sessions tended to focus on several areas:

- 1) Lack of public participation;
- 2) Process transparency;
- 3) Feedback from federal agencies;
- 4) Impacts from operations and mitigation of impacts;
- 5) Health impacts;
- 6) Levels of exposure and environmental monitoring;
- 7) Impact of Homeland Security on access to information;
- 8) Mistrust of federal agencies and their representatives; and
- 9) Tribal issues.

Arlene Luther with the Navajo Nation EPA stated: “...when it comes to an agency that helped develop the ability for us to enter the cold war . . . through the use of developing uranium mines on our reservation, you find us going to DOE to try to get some feedback from them on how they should be taking care of impacts that have resulted from abandoned uranium mining activity, because they have been impacting our surface and groundwater, which has been impacting our people who have taken waste uranium ore from these mines and built homes out of them.”

Mitigation of impacts resulting from the development of cold war mining activity was a concern not only of Ms. Luther, but also Rose Ebaugh, originally from the Navajo Nation, now of Albuquerque, who shared her story about mining concerns. Ebaugh stated: “. . . I just want to reiterate that the invitation to go out to the reservations or indigenous communities where there’s coal mining, any kind of mining and see wherever is left over from the mining situations.”

Community Involvement

Past approaches to public participation associated with DOD and DOE facilities created a significant degree of mistrust among communities of color and concern. Many environmental justice communities feel the government has exacerbated the situation rather than creating

collaborations that would lead to trust building. The federal government has an opportunity to address this mistrust by making available access to information, transparency and inclusion in decision-making and planning activities. Work must be done to ensure that a full range of community residents and activists are meaningfully involved in all aspects of cleanup. The Federal Facilities Environmental Restoration Dialogue Committee states very clearly “the problem of mistrust is of particular concern where federal facility environmental problems affect communities of color and low-income communities that have historically lacked economic and political power, adequate health services, and other resources. Efforts have not always been made to address the specific environmental and associated impacts to these communities. Therefore, federal agencies’ credibility in such communities is particularly tenuous. Strategies for cleanup are inextricably linked to economic development, future land use, public health, education, housing transportation, and cultural development of communities. By meaningfully involving public stakeholders from these affected communities in cleanup decisions, agencies can begin to address their cleanup needs and build more positive relationships.”

Ongoing Polluting Activities

Concerns related to health impacts associated with exposure to radioactive contamination were common themes. Heather Whiteman Runs Him wanted the Commission to be aware of the Jicarilla Apache Nation had “continuing concerns about the effects to the health, environment and natural resources resulting from the Atomic Energy Provision, Project Gas Buggy”. Heather provided examples of the impact of both an explosion underground and subsequent flaring of natural gas. Her concern also focused on the role of DOE in monitoring and rehabilitating the site and the surrounding area. The voice of young people was presented by Robby Rodriguez: “Ultimately, we need to remember that what is at stake is public health. And too often, public health is used as a bargaining chip for private investment.”

¹ National Aeronautics and Space Administration, Native Peoples – Native Homelands Climate Change Workshop: Final Report (Nancy G. Maynard, ed., published in 2001), see: www.usgcrp.gov/usgcrp.

Key Recommendations from the Listening Sessions

- The military must not be exempt from any environmental standards, and it should be equally subject to enforcement. Many state Superfund sites derive from military waste disposal, and all attempts to exempt the military from full Superfund responsibility should be rejected.
- Military compliance with environmental standards should be enhanced by passage of the Military Environmental Responsibility Act.
- Communities deserve redress (including fair market value for owned properties) where HUD build properties on old dump sites.
- Accurate information must be distributed on the impacts of federal facilities needing cleanup.
- There is no effective, objective, independent oversight of federal facility cleanup.
- At federal facilities, surrounding communities need signs posted at areas of contamination, clean food and medicine.
- The National Park Service is an inadequate steward to Petroglyphs National Park.
- Congress should compel DOE to release classified information about environmental releases impacting community health when the national security defense for confidentiality has passed.
- The impacts of munitions production are insufficiently regulated.
- The cumulative impacts of emissions from Hanford with commercial animal feedlot wastes must be understood and regulated. An epidemiological study is needed at Hanford.
- DOE cleanups need more aggressive monitoring to assure all contaminated areas of a site are addressed and that there are clear interim cleanup milestones where a project will take years to complete.
- The environmental impact of any plan to increase U.S. nuclear capacity must be evaluated.
- Federal agency coordination at facilities like Hanford is essential if states and local governments are to collaborate in addressing a site.
- The Hanford tri-party cleanup plan must be fully funded each year without recourse to litigation.
- Federal agencies must be fully accountable to report old and on-going releases into the environment.
- The impact of military operations on U.S. territories must be reduced.

Section 3

Appendices

US EPA's Commitment to Environmental Justice



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 9 2001

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: EPA's Commitment to Environmental Justice

TO: Assistant Administrators
General Counsel
Inspector General
Chief Financial Officer
Associate Administrators
Regional Administrators
Office Directors

The Environmental Protection Agency has a firm commitment to the issue of environmental justice and its integration into all programs, policies, and activities, consistent with existing environmental laws and their implementing regulations.

The Agency defines environmental justice to mean the fair treatment of people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws and policies, and their meaningful involvement in the decisionmaking processes of the government. Among other things, this requires the following:

- (a) Conducting our programs, policies, and activities that substantially affect human health and the environment in a manner that ensures the fair treatment of all people, including minority populations and/or low-income populations;
- (b) Ensuring equal enforcement of protective environmental laws for all people, including minority populations and/or low-income populations;
- (c) Ensuring greater public participation in the Agency's development and implementation of environmental regulations and policies; and

-2-

(d) Improving research and data collection for Agency programs relating to the health of, and the environment of all people, including minority populations and/or low-income populations.

In sum, environmental justice is the goal to be achieved for all communities and persons across this Nation. Environmental justice is achieved when everyone, regardless of race, culture, or income, enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

The purpose of this memorandum is to ensure your continued support and commitment in administering environmental laws and their implementing regulations to assure that environmental justice is, in fact, secured for all communities and persons. Environmental statutes provide many opportunities to address environmental risks and hazards in minority communities and/or low-income communities. Application of these existing statutory provisions is an important part of this Agency's effort to prevent those communities from being subject to disproportionately high and adverse impacts, and environmental effects.

In the National Environmental Policy Act of 1969 (NEPA), Congress could not have been any clearer when it stated that it shall be the continuing responsibility of the Federal government to assure for all Americans "safe, healthful, productive and aesthetically and culturally pleasing surroundings."

Integration of environmental justice into the programs, policies, and activities via Headquarters/Regional Office Memoranda of Agreements and Regional Office/State Performance Partnership Agreements is an Agency priority. The Director of the Office of Environmental Justice, Barry E. Hill, and his staff are available to assist you. Barry Hill can be reached at (202)564-2515.

I am positive that each of you will join me in working to secure environmental justice for all communities.



Christine Todd Whitman

Commission Member Biographical Sketches



Luis Alvarez

As President of National Urban Fellows, Inc. from 1976 through January 2002, Luis Alvarez oversaw the management of a national leadership development program for professional mid-career women and minorities. Now in its 32nd year, National Urban Fellows, Inc. has trained over 840 individuals who serve in leadership and management positions in the U.S. and in Puerto Rico.

In addition to the National Urban Fellows program implemented in 1969, Luis Alvarez, a National Urban Fellow, expanded the program to include two fellowships: Corporate Executive Fellows and Environmental Science & Management Fellows. The mission of these programs is to enhance the reputation and participation of mid-career women and minorities in the public, nonprofit and private sectors.

After graduating from the National Urban Fellows, Mr. Alvarez was appointed Chief Executive Officer of ASPIRA of America, Inc. Under his guidance, ASPIRA of America prospered and played a significant role in expanding and strengthening educational opportunities for Hispanic children, which culminated in the famous legal decision ASPIRA Consent Decree vs. The Board of Education of New York City.

As Special Assistant to the U.S. Commissioner of Education in 1971, Mr. Alvarez was involved in the formulation of U.S. educational policies, and assured their implementation across the United States, Puerto Rico and Guam. In addition, he helped implement the following significant educational legislation for the U.S. Office of Education: The Bilingual Education Act, Title VII of the Civil Rights Act of 1964 as amended, and the Career Education and Education Renewal Act.

In the field of international affairs, Mr. Alvarez served as a member of the U.S. Official Delegation at the Panama Canal Transfer, as well as a member of the Hispanic Leaders Delegation to Israel. He has led delegations to Great Britain, and is an advisor to Atlantic Fellows, and former treasurer of the City Fellows program.



Sue Briggum, Ph.D., JD

Sue Briggum has been Director of Government and Environmental Affairs in the Washington, D.C. office of Waste Management since 1987. She is responsible for issues arising in federal legislation, regulation and policy initiatives affecting the Waste Management companies, focusing most recently on toxic site cleanup, brownfields redevelopment, environmental justice and regulatory enforcement issues. In prior years, she has worked on issues involving federal environmental contracting, environmental risk assessment and communication, environmental reporting metrics and international trade.

Before joining Waste Management, Ms. Briggum was an environmental regulatory attorney and Superfund litigator with the environmental department of Piper & Marbury and its predecessor, Wald, Harkrader and Ross. With her colleagues at Wald Harkrader, she co-authored the Hazardous Waste Regulation Handbook: A Practical Guide to RCRA and Superfund (Executive Enterprises, Inc., 1982; revised 1986).

Since joining Waste Management, Ms. Briggum has served on the US Environmental Protection Agency's NACEPT Superfund Advisory Committee, National Environmental Justice Advisory Committee, Title VI Advisory Committee, and Compliance Assistance Advisory Committee. She chairs the Superfund Action Alliance (a coalition of over 50 companies and business trade associations) and serves as a steering committee member of the Business Network for Environmental Justice. Ms. Briggum is a member of the Superfund Settlements Project and the Land Renewal Network. She was staff to Waste Management's CEO on the President's Export Council, the National Commission on Superfund, and the Enterprise for the Environment. Ms. Briggum is a member of the New York State Department of Environmental Conservation's Environmental Justice Advisory Group. Her most recent projects include participation in an effort by the National Research Council to identify characteristics of good public participation procedures, and testimony on business perspectives on environmental justice before the U. S. Commission on Civil Rights.

Ms. Briggum received her B.A. from the University of Pittsburgh; an M.A. and Ph.D. in English Literature from the University of Wisconsin; and a J.D. from Harvard University.



Jennifer Friday, Ph.D.

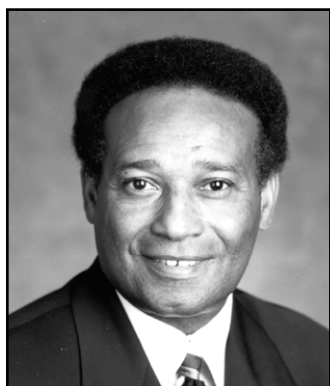
Jennifer C. Friday Ph.D., is Senior Research Scientist with the MayaTech Corporation of Atlanta, GA. She is a psychologist with experience in health services research, evaluation and health policy formulation. Dr. Friday earned her doctoral and masters degrees from the University of Tennessee at Knoxville in School and Community Psychology, and her undergraduate degree in Biology from Millikin University in Illinois. Prior to joining The MayaTech Corporation, She was a behavioral scientist at the Centers for Disease Control and Prevention (CDC). While there she worked in the areas of HIV/AIDS, STDs and injury prevention. From 1997-2000 she was on loan to the

Joint Center for Political and Economic studies. Her work at the Joint Center focused on health issues as they relate to the African American population, specifically HIV/AIDS, managed care and environmental health. Early in her career, Dr. Friday worked at the Southern Regional Education Board on mental health issues and higher education issues focusing on Historically Black Colleges and Universities.

Dr. Friday's recent research activity includes a survey of Black Elected Officials on issues related to HIV/AIDS, a needs assessment for technical assistance in violence prevention and the development of a violence surveillance system in South Africa. Her environmental health expertise is in community engagement. During her tenure at the Joint Center, she developed and implemented a community assessment in a small southern neighborhood designed to assist community members in identifying and articulating their needs as well as developing activities to help them enhance their understanding of the scientific and technical aspects regarding environmental projects in their

community. Dr. Friday has published extensively and has served as a reviewer for professional journals. Dr. Friday is the recipient of a number awards and honors for her achievements.

In addition to the National Commission on Environmental Health Policy, Dr. Friday also serves on the Board of Trustees for her alma mater, Millikin University, the Board of Trustees of the Episcopal Media Center, and the Rosalynn Carter Institute. She is also active in many civic and professional organizations including the American Psychological Association, the American Public Health Association and the Southeastern Psychology Association.



Robert L. Harris, JD

Robert L. Harris currently serves as Vice President of Environmental Affairs at Pacific Gas and Electric Company (PG&E) in San Francisco. Harris began his career as an attorney with PG&E in 1972, and in 1985 argued and won a major corporate free speech case for PG&E in the U. S. Supreme Court. He is a graduate of San Francisco State University and Boalt Hall School of Law at the University of California at Berkeley. Harris has also completed advanced management programs at Harvard University and Duke University business schools.

A former president of the National Bar Association and of Kappa Alpha Psi Fraternity (Grand Polemarch), he currently serves on the Board of Directors of the Council on Legal Education Opportunity. Harris is a board member of the U. S. Environmental Protection Agency's National Environmental Justice Advisory Council, the California Environmental Protection's Environmental Justice Committee, the California League of Conservation Voters, the Executive Leadership Council, the African American Experience Fund and the Bay Area Alliance for Sustainable Development. He is also a member of the American Association of Blacks in Energy and currently serves as its general counsel. EBONY MAGAZINE selected Harris as one of the 100 Most Influential Black Americans in 1980, 1992, 1993, 1994 and 1995.



Gary L. Loster

Mr. Gary L. Loster, the principal partner of GL Loster & Associates, currently serves as the Chairman of the World Conference of Mayors Inc, a Commissioner on the National Environmental Health Policy Commission, the Global Aids Initiative, and is a founding member of the National Campaign for Tolerance. Mr. Loster is a consultant to Learning Designs, Inc. and has been technical consultant for ARD Associates in assessing local governments in Zimbabwe and Nigeria

Mr. Loster was elected Mayor of Saginaw, Michigan in November 1993 and served an unprecedented four consecutive terms. Under his leadership Saginaw had an impressive record of innovation in public safety, housing, economic revitalization, developmental and government reorganization. Prior to being elected mayor, he was Associate Administrator of Personnel for the Delphi Saginaw Steering Systems' (formerly a division of General Motors Corporation) World Headquarters

Mr. Loster has served in a number of international and national leadership positions and has received numerous awards and distinctions. He served as President of the World Conference of Mayors, Inc; United States Conference of Mayors; Urban Core Mayors; Michigan Association of Mayors and, the Mayors Hall of Fame. He has served on numerous Boards and committees and was a member of the Mayoral Trade Mission to the Republic of Cameroon. He was crowned Honorary Chief by several communities in the Republic of Nigeria, been given Goodwill Ambassador status by the President of The Gambia and installed as a Chief by the Ashante Nation of Ghana. He has received Honorary Citizenship in Canada, Japan, Mexico and Nigeria. Mr. Loster has organized several Sister Cities internationally; has been a delegate to the distinguished Addis Forum held in Addis, Ethiopia and the National Summit on Africa in Washington, D.C. He has been named into National Register of Who's Who of Executives and Businessman, Who's Who of Professionals, Who's Who in Government, Who's Who Among Young American Professionals; The Sterling Who's Who in American Politics, Outstanding Young Americans and, 100 African American Men of Distinction. His distinguished awards include the J. Edgar Hoover FBI Award for Distinguished Public Service, FBI Directors Community Service Award, A Phillip Randolph Award for Outstanding Service, Michigan State Police Award for Professional Excellence, Alabama Department of Public Safety; Narcotics Division Award for Outstanding Public Service, The Whitney Young Jr. Service Award, Saginaw Valley State University Distinguished Alumni Award, Boys and Girls Club Youth Award; the Kwame Nkrumah Award, the "Keys to the City" of Zapopan, Mexico, and the Governor's Key to the State of Nayarit, Mexico.

Mr. Loster served in the United States Marine Corps and is a veteran of the Viet Nam War. With Honors, he earned his Masters Degree in Business from Michigan State University and his Bachelors of Arts Degree from Saginaw Valley State University. He is internationally recognized as an accomplished speaker and lecturer. He's a public servant who believes in God and in giving back to the community. He is often heard to quote: "To whom much is given, much is required."



Mildred McClain, Ed.D.

Mildred McClain is a native of Savannah, Georgia and product of the Savannah Chatham County School System. Dr. McClain has extensive work experience in a variety of environments as a teacher, administrator and consultant. She has taught in various institutions for over twenty-eight years, and she has worked as a human rights activist for more than thirty-two years.

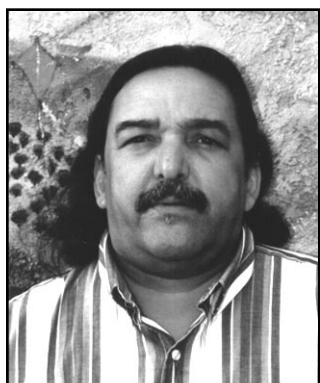
Her education includes an Ed.D from Harvard Graduate School of Education, a M.A. Degree from Harvard Graduate School of Education, a M.A. Degree from Antioch Graduate School of Education Administration, a B.A. Degree from the University of Massachusetts, and Teacher Certification from Massachusetts and Georgia in Secondary Level English.

Dr. Mildred McClain is presently Executive Director of the Harambee House, Inc. - (Meaning "Let's Pull Together" "in Kiswahili), a community center that focuses on political, socio-economic and community empowerment; Citizens For Environmental Justice, an organization that she founded, that seeks to take environmental education and information to the African American and

low-income communities, and Black Youth Leadership Development Institute Inc., an organization geared to the uplifting of young people in the community.

She has presented papers and served as keynote speaker at various local, regional, national, and international conferences on such topics as: Environmental Justice; Nuclear Weapons Productions; The Cold War Legacy of Waste; Public Participation in Environmental Decision Making; Education for African American in Issues of Incarcerated Women; Empowerment of the Poor; Family Building; Critical Issues Facing Black America; Third World Development; Racism; Southern Politics; Nicaragua and the Atlantic Coast; Black Women Leaders; The Role of Women in Development; and Youth Leadership Development Apartheid, and U.S. Foreign Policy.

Dr. McClain currently serves on the Working Group on South Africa NEJAC, Savannah River Site Health Effects Subcommittee, Savannah River Site Community Alliance, International Committee National Black Environmental Justice Network and International Human Rights Law Group.



Richard Moore

Richard Moore, with over 30 years of experience as a community organizer, is a key national leader of the environmental economic justice movement . Of Puerto Rican descent, Mr. Moore has resided in New Mexico since 1965. He has worked with a variety of community-based organizations focusing on issues such as welfare rights, police repression, street gang activities, drug abuse, low cost healthcare, child nutrition and the fight against racism, including the struggle for environmental and economic justice.

Mr. Moore is a founding member of the Southwest Organizing Project (SWOP) and the Southwest Network for Environmental and Economic Justice. He is presently the Executive Director of the Southwest Network, a bi-national organization that comprises over 60 community based grassroots organizations working in communities of color in six southwestern states and Northern Mexico.

Mr. Moore's commitment to multi-racial and multi-issue community organizing - and recognition of the interconnectedness of local, regional, national and international issues - made him an important member of the planning committee for the First National People of Color Environmental Leadership Summit, which took place in October 1991. Mr. Moore serves on the Environmental and Economic Justice Project Board of Directors and completed a three-year term as the chair of the National Environmental Justice Advisory Council to the EPA and has served on the Board of the Alston/Bannerman Fellowship Program from 1998-2002. In addition, he played a significant role in establishing the Environmental Justice Fund--a coalition of Environmental Justice Networks. Mr. Moore is on the Planning Committee of the Inter-Agency Working Group on environmental Justice. In recognition of his lifelong work, he was the recipient of the 1991 Bannerman Award, the 1995 Albuquerque Human Rights Award, and the 1997 Tides Foundation Jane Bagley Lehman Award for public policy.



Marlon Priest, MD

Marlon Priest is University of Alabama at Birmingham (UAB) professor of emergency medicine and an emergency physician in the Level I trauma center of the University Hospital. He was recently appointed as a scholar in the federally endowed Uster Hill Center for Health Policy. Dr. Priest has been program director for UAB Minority Medical Education since its inception in 1994. Recently, he became the Program Director for the Robert Wood Johnson Foundation and Kellogg Foundation, funded Health Professions Partnership for K-12 programs.

In 1997, he was awarded the prestigious Robert Wood Johnson Foundation Health Policy Fellowship. Prior to the fellowship he served as the interim chair of UAB's Department of Emergency Medicine. He has served as associate vice president for health affairs at the UAB Medical Center. Prior to this appointment he served as director of the University Hospital Emergency Department.

Dr. Priest is an honors graduate of both the University of North Alabama and the University of Alabama School of Medicine. His postgraduate training was at UAB and the Baptist Medical Centers of Alabama. He is a member of the National Honor Medical Society, Alpha Omega Alpha. Dr. Priest earned diplomate status with the National Board of Medical Examiners in 1978, the American Board of Internal Medicine in 1980 and the American Board of Emergency Medicine in 1987. He served as an Association of Academic Health Centers Scholar in Academic Administration and Health Policy from 1994-1997. In 1992 he was honored with the Student National Medical Association's National Mentor Award for his work with an interdisciplinary summer program designed to help disadvantaged students prepare for admission to health professions schools and initiating a highly successful program to assist non-traditional students in the transition to medical school.

His roster of community efforts include serving as president of the American Heart Association's Alabama Affiliate, and as a member of the Governor's Health Care Reform Task Force, Leadership Birmingham and Kiwanis International. He currently serves as a director and chair of the Quality Committee for the St. Louis based Sisters of Mercy Health System, director of the Orange, California based Sisters of St. Joseph Health Systems, Trustee of the Catholic Health Association of America.



Jerry Prout

Jerry Prout is the Vice President of Government Affairs for FMC Corporation in Washington, D.C. He has been with the company since 1979 and in his most recent position since February 2000. He has held previous positions in the company involving both federal and state legislative affairs, and managed community and state relations for the Chemical Products Group.

FMC is a diversified global manufacturer of machinery and chemicals

for government, business and agriculture, headquartered in Chicago. Mr. Prout Chairs the Washington Planning Committee of the Business Roundtable, serves on several committees for the Chemical Manufacturers Association, served for three years as a member of the EPA's National Environmental Justice Advisory Council and serves on the Board of other state and regional environmental organizations. He is the author of several articles on corporate social responsibility and government affairs.



LaVerne Ragster, Ph.D.

Dr. LaVerne Erina Ragster became the fourth President of the University of the Virgin Islands on August 1, 2002,

Dr. Ragster was born and raised in St. Thomas U.S. Virgin Islands, where she graduated as valedictorian from the Charlotte Amalie High School in 1969. Her educational career includes the earning of a bachelor of science degree in biology and chemistry, in 1973, from the University of Miami, a master of science degree in biology with an algal physiology concentration, in 1975, from San Diego State University, and a doctorate in biology with a plant biochemistry concentration, in 1980, from the University of California, San Diego.

During the first ten years of her academic career, Dr. Ragster served on the teaching faculty at the then College, now University of the Virgin Islands, where she was promoted from Assistant Professor to Professor of Marine Biology.

In addition to serving one term as President of the League of Women Voters of the Virgin Islands, Dr. Ragster has served in a number of leadership positions in non-governmental organizations in the territory, especially in the areas of education and the environment.

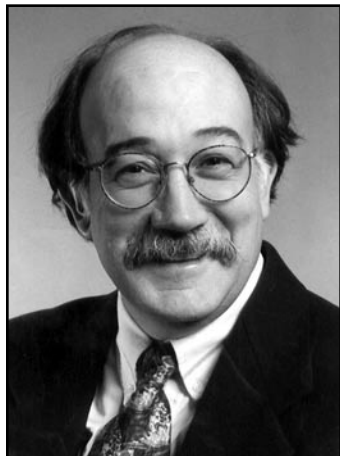
Dr. Ragster works with a number of regional organizations, including the Caribbean Studies Association (past president), Caribbean Natural Resources Institute (former board member, past chair of the board), Caribbean Conservation Association (past vice president), Island Resources Foundation (board member), The Nature Conservancy (former board member) and the Caribbean Council for Science and Technology (USVI representative). Dr. Ragster serves as a member of the U.S. delegation to the United Nations Environment Program, as a member of the National Marine Fisheries Advisory Committee and the National Commission on Environmental Policy.

The past thirteen years of her career have been devoted to professional pursuits leading to positions of progressively greater administrative responsibility. She has held the positions of Chair of the Division of Science and Mathematics, Faculty Trustee to the UVI Board of Trustees, Acting Vice President for Academic Affairs, Director of the Eastern Caribbean Center, Acting Vice President for Research and Land Grant Affairs, Vice President for Research and Public Service and Senior Vice President and Provost at UVI. Dr. Ragster helped to link UVI with other higher education institutions in the region when she served as Sub-Secretary General for the Association of Caribbean Universities and Research Institutes (UNICA) and as the Coordinator of the Consortium of Caribbean Universities for Natural Resource Management.

During this period Dr. Ragster published a number of papers on the role of natural resources in resource management and development, produced programs for the training of faculty and

resource managers, and developed curriculum materials to teach natural resource management at the university level in the Caribbean.

She is married to Lloyd Gardner, an environmental planner. They have two sons, Adrian and Alex.



Dean B. Suagee, JD

Of Counsel to the law firm of Hobbs, Straus, Dean & Walker, LLP, Washington, D.C., a firm that specializes in serving as legal counsel for American Indian and Alaska Native tribal governments and tribal organizations. From 1998 through 2002 Mr. Suagee served as Director of the First Nations Environmental Law Program at Vermont Law School, South Royalton, VT, and continues to work on projects for the VLS First Nations Program.

Mr. Suagee is the author of a number of law review articles on environmental and cultural resources law in Indian country, and has been involved in many continuing legal education programs in this field, both as an instructor and as an organizer. As a member of the American Bar Association, Section of Environment, Energy & Resources, he serves as a Vice-Chair of the Committee on Native American Resources and an Assistant Editor for *Natural Resources & Environment*, an ABA quarterly journal. He also serves as a member of the federal advisory committee for the U.S. Institute on Environmental Conflict Resolution. He is a member of the Cherokee Nation.

Mr. Suagee received his J.D. from the University of North Carolina and his LL.M. in international legal studies from American University.



Derrick Watchman

Derrick Watchman, a member of the Navajo Nation, is principle with Watchman & Associates. He was formerly the Chief of Staff for the Navajo Nation President. Mr. Watchman has also served as Director of Indian Affairs for the U.S. Department of Energy. His primary responsibilities were to advise the Department on issues impacting the Indian Tribes near Department of Energy sites. Previously, he worked for the Wells Fargo Bank Corporation handling Native American banking and financing. Mr. Watchman was Chief Operating Officer and General Manager of the Navajo Nation's Dine Power Authority where he advised on Navajo Nation energy projects. He also held the

Navajo Tax Commission Director post with Navajo. He successfully worked to implement the Navajo Nation's authority to tax, particularly on the large resource companies. Mr. Watchman coordinated the passage of federal tax incentives that stimulate reservation development. Among several directorships, he is a Director for the Native American Ban Corporation.

Mr. Watchman holds a MBA from the University of California at Berkeley and a Bachelors degree from the University of Arizona.



Patricia K. Wood

Patricia K. Wood is a Manager for Federal Regulatory Affairs at Georgia-Pacific Corporation. Since 1994, she has been responsible for senior level interaction between Georgia-Pacific, federal regulatory agencies and departments, related businesses and environmental organizations concerned with environmental policy development.

Prior to her work at Georgia-Pacific, Ms. Wood was the Director of Water Quality Programs for the American Forest and Paper Association (AF&PA). Her efforts were focused on the development of a national strategy to identify and address emerging water quality and related environmental issues impacting forest and paper industry activities. Prior to joining AF&PA, Ms. Wood was with the Office of Water, US Environmental Protection Agency. Ms. Wood also served for 10 years as a Professional Staff Member for the House Committee on Public Works and Transportation Water Resources Subcommittee. Her areas of responsibility there included the Clean Water Act, and the Corps of Engineers' water resources projects.

Ms. Wood received a B.S. in Political Science and a M.A. in Legislative Analysis from George Washington University. For a number of years she has lectured at George Washington University on regulatory policy.

About the Editors

David E. Rivers, a faculty member at the Medical University of South Carolina (MUSC) since 1995, serves as the Director of the Public Information and Community Outreach (PICO) Section in the Department of Library Science and Informatics. He previously served as Director of Public Policy for the MUSC Environmental Biosciences Program (EBP). Before coming to MUSC Mr. Rivers held senior level positions in the City of Atlanta Government, the US Department of Health and Human Services, the US Department of Energy and the District of Columbia Government. Mr. Rivers is a member of numerous boards and provides leadership in a wide variety of community based organizations. He is a member of the American Society for Public Administrators, National Urban Fellows, National Forum for Black Public Administrators the Community Foundation, Charleston Regional Development Alliance and 100 Black Men of Charleston.

Glenn Fleming, has been a member of the PICO staff since its inception in 2001. He currently serves PICO as Assistant to the Director. Mr. Fleming previously served as Chairman of the Department of Educational Services for MUSC. In both positions, he has been directly involved in public involvement and outreach activities.

Richard Jablonski, is a faculty member in the Public Information and Community Outreach (PICO) Section in the Department of Library Science and Informatics at MUSC where he serves as the Coordinator of the program's Media Outreach Division. Mr. Jablonski joined the Medical University Faculty in 1993. He previously worked for daily newspapers in New York and South Carolina.

Clarence W. Hill, Ph.D., is Director of the James E. Clyburn Transportation Center at South Carolina State University in Orangeburg, SC. The Center sponsors programs in transportation research, technology transfer and education. His professional appointments include the Transportation Research Board Education Committee, Transportation Association of South Carolina Board of Directors and the Council of University Transportation Centers. He is the recipient of numerous awards and holds memberships in several professional associations.

Ragan DuBose is Program Coordinator for the Public Information and Community Outreach (PICO) Section in the Department of Library Science and Informatics at MUSC. A member of the PICO staff since its inception, Ms. DuBose coordinates all publications and outreach materials for the Section. Active in community and professional associations, she is a member of the Public Relations Society of American and serves as the Lowcountry Regional Director for the South Carolina chapter.

***L**istening Session Participants*

1. Ms. Chetana Achaya
Environmental Health
University of Washington
Seattle, WA 98101
2. Ms. Talara Adetosoge
Student
Lewis College of Business
7334 Lawton
Detroit, MI 48206
3. Mr. Akindele Akinyemi
Consultant
Black Slate, Inc.
1335 Overlook Lane
Pontiac, MI 48340
4. Ms. Ozawa Bineshi Albert
Community Organizer
SAGE Council-Sacred Alliances for
Grassroots Equality
510 3rd Street, SW
Albuquerque, NM 87102
5. Ms. Wilicia Alexander-Gaymom
Family Nurse Practitioner
S.C. Association of Advanced Practice
Providers
209 Chanwood Court
Eastover, SC 29044
6. Ms. Marjorie Amos-Frazier
Public Commissioner (Retired)
361 Ashley Avenue
Charleston, SC 29403
7. Dr. Deborah Anderson
Assistant Professor
MUSC, Department of Pediatrics
171 Ashley Avenue
P.O. Box 250917
Charleston, SC 29425
8. Dr. Julia B. Anderson
Director
Institute for Racial & Ethnic Health
Studies
University of Maryland, Baltimore County
1000 Hilltop Circle, S5307
Baltimore, MD 21250
9. Ms. Rhonda Anderson
Environmental Justice Organizer
Sierra Club
2727 Second Avenue
Detroit, MI 48201
10. Ms. Dee Baecher-Brown
President
Community Foundation of the Virgin
Islands
PO Box 11790
St. Thomas, USVI 00801
11. Ms. Oliviane Marie Baier
Advocate
Morning Star House
6001 Marble Ave., Suite 15
Albuquerque, NM 87106
12. Ms. Tera Beach
Office of Congressman Jim McDermott
1809 7th Avenue, #1212
Seattle, WA 98101
13. Dr. Thaddeus J. Bell
Director of the Office of Diversity
MUSC
171 Ashley Avenue
P.O. Box 250204
Charleston, SC 29425
14. Dr. Robert O. Bland
Vice President
Lewis College of Business
Detroit, MI

15. Ms. Cassandra Bloedel
Environmental Program Supervisor
Navajo Environmental Protection Agency
PO Box 339
Window Rock, AZ 86515
16. Mr. Wallace T. Bonaparte
Director, EEO/AA Compliance
MUSC
171 Ashley Avenue
Charleston, SC 29425
17. Ms. Doris Bradshaw
President
DDMTCCC
1458 E Mallory Avenue
Office 1000 S. Cooper
Memphis, TN 38106
18. Mr. Kenneth Bradshaw
Program Director
Defens Depot Memphis Tennessee -
Concerned Citizens' Committee (DDMT-
CCC)
1458 E. Mallory
Memphis, TN 38106
19. Ms. de'Lisa Bratcher
Public Accountability Specialist
DOE, Savannah River
Road 1
Aiken, SC 29803
20. Mr. Floyd Breeland
S.C. State Representative
S.C. Senate
105 Moultrie Street
Charleston, SC 29403
21. Ms. Emily Broderick
Global
PO Box 307515
St. Thomas, USVI 00803-7515
22. Dr. Yvonne Bronner
Professor & Director Public Health
Program
Morgan State University
Jenkins Hall - Room 343
23. Mr. Dennis Broughton, Jr.
6512 Scarlet Court
Columbia, SC 29223
24. Ms. Martha L. Brown
5409 Katy Hill Road
Wadmalaw Island, SC 29487
25. Mr. Mike Brown
8062 North Outer Drive
Detroit, MI 48224
26. Ms. Rosalind Brown
Branch Chief, Economic Redevelopment
& Community Involvement
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, GA 30303
27. Ms. Jeanie Brown-Burrows
Benefits Specialits
AME
81 Chair Road
Hemingway, SC 29554
28. Ms. Akua Budu-Watkins
Southeast Michigan Director
US Senator Debbie Stabenow's Office
243 W. Congress, Suite 550
Detroit, MI 48226
29. Mr. Johnnie Burney
5363 Cadillac
Detroit, MI 48213
30. Mr. Leon Burton
Executive Director
Franklin C. Fetter Family Health Center
51 Nassau Street
Charleston, SC 29403
31. Mr. Daniel Byrdsong
Student
Lewis College of Business
12661 McCoy Circle
Detroit, MI 48213

32. Dr. Christine Cagle
Senior Program Analyst, CDC
1600 Clifton Road, Mailstop E10
Atlanta, GA 30333
33. Ms. Bobbie Carlson
Diabetes/Library Outreach
MUSC Library
171 Ashley Avenue
P.O. Box 250403
Charleston, SC 29425
34. Dr. Thomas T. Carr, III
1849 Central Park Road
Charleston, SC 29412
35. Ms. Helene Carter
Director of Public Relations
Claflin University
400 Magnolia Street
Orangeburg, SC 29115
36. Mr. Amos W. Carty, Jr.
General Counsel
Roy L. Schneider Hospital
9048 Sugar Estate
St. Thomas, USVI 00802
37. Mr. Johnny E. Castor
PO Box 307042
St. Thomas, USVI 00803
38. Ms. Gloria Catillo
RGCDC Rio Grand Communities
Development Corporation
2810 Los Padillas Road, SW
Albuquerque, NM 87121
39. Dr. Joe Chambers
Executive Director
Tri-County Project Care
P.O. Box 184
Charleston, SC 29402
40. Mr. Howard Chapman
Executive Director
CARTA
36 John Street
Charleston, SC 29403
41. Ms. Victoria S. Childs
16178 Chatham
Detroit, MI 48219
42. Ms. Erwin Cohen
966-F Houston Northcutt Blvd.
Mt. Pleasant, SC 29464
43. Ms. Nancy Cole
Reporter
The Virgin Islands Daily News
Innovative Center
St. Croix, USVI 00820
44. Dr. James L. Coleman, Jr.
Bureau Director
Chronic Disease and Health Promotion
SC DHEC
P.O. Box 101106
Mills Jarrett Building
Columbia, SC 29211
45. Ms. Selma A. Conyers
CBC Scholarship Committee
696 Kindale Park Road
Kingstree, SC 29556
46. Ms. Teresa Cordova
Director
Resource Center for Raza Planning
University of New Mexico
School of Architecture and Planning
2414 Central SE
Albuquerque, NM 87103
47. Dr. Cynthia S. Cromer
4200 NW 90th Blvd.
Gainesville, FL 32606
48. Mr. Ron Curry
Cabinet Secretary
New Mexico Environmental Department
Santa Fe, NM
49. Mr. Richard Czarnota
Secretary
Beachy Clean VI, LLC
PO Box 306504
St. Thomas, USVI 00803

50. Ms. Jahweh David
Anna's Fancy #36
St. Thomas, USVI 00802
51. Mr. Brian Davis
19852 Grandiew
Detroit, MI 48219
52. Mr. Olasee Davis
Ecologist
UVI/Cooperative Extension Service
PO Box 10000
Kingshill St. Croix, USVI 00851
53. Ms. Jacquiel Dawson-Malbranche
Bush Tea/VI Agricultural Development
Institute
PO Box 308970
St. Thomas, USVI 00803
54. Mr. Mario J. DelSignore
1473 Battalion Drive
Charleston, SC 29412
55. Ms. Pat Dixon
Economic Development Representative
Economic Development Administration
U.S. Department of Commerce
P.O. Box 1707
Lugoff, SC 29078
56. Ms. Mildred Douglas
I.M.A.
P.O. Box 303
Kingstree, SC 29556
57. Ms. Melinda Downing
Environmental Justice Program Manager
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585
58. Ms. Annie Dukes
Instructor
Lewis College of Business
1654 Grant Street
Birmingham, MI 48009
59. Mr. James Dukes
Senator E.F. Hollings Office
1835 Assembly Street, Suite 1551
Columbia, SC 29201
60. Ms. Thena M. Durham
Deputy Director for Policy
National Center for HIV, STD, and TB
Prevention, Centers for Disease Control
and Prevention
1600 Clifton Road, Mailstop E-07
Atlanta, GA 30333
61. Mr. Percard Edwards
St. Croix Farmers in Action
PO Box 69
Kingshill, St. Croix, USVI
62. Dr. Brent Egan
MUSC
171 Ashley Avenue
P.O. Box 250623, RM 826 CSB
Charleston, SC 29425
63. Ms. Lucresasia Ellerbe
Student
Lewis College of Business
3350 Heidelberg
Detroit, MI 48214
64. Mr. Gene K. Emanuel
Associate Professor/Assistant Director
University of the Virgin Islands/Summer
Institute of Virgin Islands Culture
Box 159A -UVI
St. Thomas, USVI 00802
65. Ms. Caron B. Falconer
Program Manager
US EPA
61 Forsyth Street
Atlanta, GA 30303
66. Dr. Teniade M. Fann
4087-D Cedar Parkway
Charleston, SC 29420
67. Mr. Wayne Fanning
District Director

-
- | | |
|---|---|
| SC DHEC
1362 McMillian Avenue, Suite 300
Charleston, SC 29405 | 1692 Hazelwood
Detroit, MI 48206 |
| 68. Ms. Gail Farrior
Patient Representative
Care Alliance Health Services
316 Calhoun Street
Charleston, SC 29401 | 76. Mr. Alonzo L. Frazier
3562 Concord Church Road
Allendale, SC 29810 |
| 69. Ms. Ernestine T. Felder
111 Alexander Street
Charleston, SC 29403 | 77. Mr. George A. Freeman
President
Six Mile Neighborhood Association
P.O. Box 455
Mt. Pleasant, SC 29464 |
| 70. Ms. Camille A. Fisher
MUSC
College of Nursing
159 Rutledge Avenue
Charleston, SC 29425 | 78. Ms. Mildred Freeman
Director of Health Education
NAFEO
8701 Georgia Avenue
Silver Spring, MD 20910 |
| 71. Ms. Megan B. Foley
Extramural Community and Grants
Liaison
Centers for Disease Control & Prevention
National Center for HIV, STD & TB
Prevention
1600 Clifton Road, Mailstop-E07
Atlanta, GA 30333 | 79. Mr. Roosevelt Freeman
Regional Manager
USOHHS, Office for Civil Rights
61 Forsyth Street, Suite 3B70
Atlanta, GA 30303 |
| 72. Ms. Shermil Ford
Student
Lewis College of Business
15892 Rockdale
Detroit, MI 48223 | 80. Ms. Priyal Gadani
MUSC
College of Nursing
159 Rutledge Avenue
Charleston, SC 29425 |
| 73. Ms. Camilla Fowler
1019 Riverhaven Circle, Apt. I
Charleston, SC 29402 | 81. Ms. Cynthia Gaines
Technical Info. Specialist
National Institute of Health/HLM
8600 Rockville Pile, Bldg. 38-A
Bethesda, MD 20894 |
| 74. Mr. Chuck Fox
Executive Director
Alzheimers Association
Coastal Carolina Chapter
P.O. Box 80459
Charleston, SC 29416 | 82. Dr. Sebastiano Gattoni
Professor
MUSC
135 Cannon Street
P.O. Box 250551
Charleston, SC 29425 |
| 75. Ms. Thelma Franklin
Student
Lewis College of Business | 83. Dr. Rose D. Gibbs
Internist
Berkeley Medical Center
106 W. Main Street
Moncks Corner, SC 29461 |

84. Mr. Frank Gillespie
Vice President External Affairs
Lewis College of Business
17370 Meyers
Detroit, MI 48221
85. Ms. Marcia W. Glenn
1st Vice President
National Conference of Black Mayors
6980 Main Street
Lithonia, GA 30058
86. Ms. Kelly Gloger
Senior Associate
Sustainable Systems & Design
International
PO Box 4265
Kingshill, USVI 00851
87. Dr. Sandra H. Glover
Associate Professor
NJA School of Public Health
University of South Carolina
Columbia, SC 29208
88. Rev. Willis T. Goodwin
Minister
Twin City Outreach
2751 Bohicket Road
Johns Island, SC 29755
89. Ms. Tamelia Goodwyn
Americorps Intern
Detroitters Working for Environmental
Justice
PO Box 14944
Detroit, MI 48214
90. Ms. Sheila Goree
Off-Campus Program Coordinator
Lewis College of Business
17370 Meyers
Detroit, MI 48235
91. Mr. William D. Gregory
Director, U.S. Department of HUD
Strom Thurmond Building
1835 Assembly Street
Columbia, SC 29202
92. Ms. Malinda Hall
Special Assistant for Environmental
Justice
California Environmental Protection
Agency
1001 I Street
Sacramento, CA 98514
93. Ms. Cheryl Hanis
Washington Department of Health
Olympia, WA
94. Ms. Katrena R. Hanks
Assistant Project Manager
International City /County Management
Association
777 North Capitol Suite 500
Washington, DC 20002
95. Ms. Jewell A. Harper
Deputy Director
Waste Management Division
U.S. EPA
61 Forsyth Street
Atlanta, GA 30303
96. Ms. Courtney V. Harris
130 hidden Fawn Circle
Goose Creek, SC 29445
97. Dr. Cynthia Harris
Director
Florida A & M University
Institute of Public Health
Science Research Center, Room 207E
Tallahassee, Florida 32307
98. Ms. Deborah Harris
13- Hidden Fawn Circle
Goose Creek, SC 29445
99. Ms. Marjorie Harris
President
Lewis College of Business
17370 Meyers Road
Detroit, MI 48235
100. Mr. Richard R. Harris
Board Director

- | | |
|---|---|
| Lewis College of Business
Detroit, MI | US Virgin Islands Department of
Agriculture
1 Est. Lower Lane
Kingshill, USVI 00851 |
| 101. Ms. Teonna Harris
15906 Vaughan
Detroit, MI 48223 | 111. Mr. Herman H. Huggins
10729 63rd Avenue, South
Seattle, WA 98178 |
| 102. Ms. Teresa Harris
Student
Lewis College of Business
12515 Hamsphire
Detroit, MI 48213 | 112. Dr. Joseph J. Hurrell, Jr.
Associate Director for Science,
DSHEFS
CDC/NIOSH
4676 Columbia Parkway
Cincinnati, OH 45226 |
| 103. Ms. Winnie Hennessy
MUSC
1460 Pine Island View
Mt. Pleasant, SC 29464 | 113. Ms. Havinah Baht Israel
Divine Universal Sisterhood
3225A Rivers Avenue
North Charleston, SC 29405 |
| 104. Ms. Marcia Henning
Washington Department of Health
Olympia, WA | 114. Ms. Yahtsuah B. Israel
Manager
Soul Vegetarian Restaurant
African Hebrew Israelites of Jerusalem
3225A Rivers Avenue
North Charleston, SC 29405 |
| 105. Ms. Trina Hester
12129 Rutherford
Detroit, MI 48227 | 115. Dr. Carolyn Jenkins
Associate Professor
MUSC & Reach 2010
171 Ashley Avenue
P.O. Box 250160
Charleston, SC 29425 |
| 106. Ms. Mary W. Hill
390 Old Oak Hill Road
Shulerville, SC 29453 | 116. Ms. Barbara Johnson
Detroit, MI 48235 |
| 107. Ms. Alecia Hinton
20551 Rosemont
Detroit, MI 48219 | 117. Ms. Jill Johnson
Southern Field Organizer
U.S. Public Interest Research Group
1447 Peachtree Street, #304
Atlanta, GA 30309 |
| 108. Ms. Alfredia Horry
Clark Academy Drug Counselor
DAODAS Charleston Center
1269 Grimball Road
Charleston, SC 29412 | 118. Ms. Lynell Johnson
Detroit, MI |
| 109. Mr. Charles Hossler
RN
MUSC Research
159 Rutledge Avenue
Charleston, SC 29425 | 119. Mr. Albert Jones
Assistant State Conservationist for Field |
| 110. Mr. David Howlett
Coordinator
Forest Stewardship Program | |

- Operations
USDA-Natural Resources Conservation
Service
East Lansing, MI
120. Dr. Camara P. Jones
Research Director on Social
Determinants of Health
Centers for Disease Control and
Prevention
4770 Buford Highway NE,
Mailstop K-45
Atlanta, GA 30341
121. Ms. Jacquetta P. Jones
S.C. Human Affairs Commission
5868 Octavia Avenue
Ravenel, SC 29470
122. Ms. Louise D. Jones
Lewis College of Business
6515 Scotten
Detroit, MI 48210
123. Ms. Lachina Jones-Kaiem
President
Management Club
17370 Meyers
Detroit, MI 48235
124. Mr. Ken Kadler
Office of Congressman Jim McDermott
180 97th Avenue
Seattle, WA 98101
125. Dr. Edward C. Keith
Lake Marion Primary Care
15 E. Hospital Street
Manning, SC 29102
126. Mr. Filton Kelly
15712 Whitecomb
Detroit, MI 48227
127. Dr. Arthur Kennedy
Interim CEO
Family Health Center
P.O. Box 1806
Orangeburg, SC 29118
128. Ms. Charlottee L. Keys
Founder & Executive Director
Jesus People Against Pollution
P.O. Box 765
Columbia, MS 39429
129. Mr. Richard Klein
Lead Statistician
Health Promotion Statistics
CDC/National Center for Health
Statistics CDC/NCHS
6525 Belcrest Road Room 770
Hyattsville, MD 20782
130. Ms. Melissa Ladd
National Issues Coordinator
SC Coastal Conservation League
P.O. Box 1765
Charleston, SC 29407
131. Dr. Marilyn Laken
Professor
MUSC
College of Nursing
171 Ashley Avenue
P.O. Box 250160
Charleston, SC 29425
132. Ms. Everlena Lance
Community Health Advisor
Georgetown County Diabetes CORE
Group
254 Yadkin Avenue
Georgetown, SC 29440
133. Ms. Lynne Langley
Reporter
Post and Courier Newspapers
134 Columbus Street
Charleston, SC 29403
134. Ms. Janice Lanham
Clinical Nurse Specialist
Greenville Hospital System
America Diabetes Association
112 Kirk Drive
Seneca, SC 29678

135. Mr. Ivan K. Lanier
Advocacy Director
American Diabetes Association
1701 N. Beauregard Street
Alexandria, VA 22310
136. Ms. Cynthia C. Laramore
Director
Active Citizens Together Improving Our
Neighborhoods, Inc.
P.O. Box 16
Belle Glade, FL 33430
137. Dr. Arlene M. Lester
Regional Consultant for Minority Health
(USPHS-IV)
U.S. Public Health Service - Region IV
61 Forsyth Street, SW
Suite 5B-95
Atlanta, GA 30303
138. Ms. Daphne Lewis
President
American Cancer Society
PO Box 935
Kingshill, St. Croix, USVI 00851
139. Ms. Yvonne H. Lewis
Public Health Analyst
CDC
1600 Clifton Road N.E., Mailstop D39
Atlanta, GA 30333
140. Mr. Edmond L. Lindsey
DDMTCC
P.O. Box 30683
Memphis, TN 30683
141. Ms. Mattie M. Lindsey
DDMTCCC
P.O. Box 30683
Memphis, TN 38130
142. Ms. Florene Linnen
C.H.A. Community Liaison Research
2010 Gerogetown County Diabetes Care
Group Coordinator
404 Andrew Drive
Georgetown, SC 29440
143. Dr. G.T. Little
230 Rutledge Avenue
Charleston, SC 29403
144. Mr. Anthony Livingston
Grassroots Coordinator
American Center Society
128 Stonemark Lane
Columbia, SC 29210
145. Ms. Arlene Luther
Navajo Nation Environmental Protection
Agency
PO Box 339
Windowrock, AZ 86515
146. Mr. Samuel F. Lyons
Director of Business Development
Alzheimers Association
1940 Savannah Highway
Charleston, SC 29407
147. Dr. Imani Ma'at
Director of Research 2010
CDC
4770 Buford Highway, Mailstop K-45
Atlanta, GA 30341
148. Mr. Brooklyn D. Mack
1036 Oakland Drive E.
Elgin, SC 29045
149. Ms. Lucretia A. Mack
RN
Midlands Chapter ACLU Columbia
1036 Oakland Drive E.
Elgin, SC 29045
150. Mr. David J. Mack, III
Legislator
Member of South Carolina House of
Representative
5154 Marseilles Drive
North Charleston, SC 29418
151. Mr. Tito O. Madrid
Community Outreach Coordinator
Congresswoman Health Wilson's Office
625 Silver, SW

- Suite 340
Albuquerque, NM 87102
152. Mr. Roberto Maestas
El Centro Dela Raza
2524 16th Avenue, South
Seattle, WA 98144
153. Ms. Gayenell S. Magwood
RN, MSN
Transplant Coordinator
MUSC Transplant Center
150 Ashley Avenue
Rutledge Tower Annex, 5th Floor,
Rm. 520
Charleston, SC 29425
154. Ms. Deanna Maher
Legislative Aide for Congressman John
Conyers
Detroit, MI
155. Ms. Janice C. May
Program Coordinator
Hands on Health South Carolina
171 Ashley Avenue
P.O. Box 250403
Charleston, SC 29425
156. Mr. Herbert Maybank
Mental Health Counselor
Twin Cities
9 Piedmont Avenue
Charleston, SC 29403
157. Dr. Pamela J. Mazyck
Fellow-Outcomes Research
MUSC
College of Pharmacy
45 Sycamore Avenue, Apt. #233
Charleston, SC 29407
159. Ms. Tambi McCollum
Manager of Government Relations
American Diabetes Association National
Office
1701 North Beauregard Street
Alexandria, VA 22310
160. Mr. Delano McCrory
Community Organizer
Detroiters Working for Environmental
Justice
PO Box 14944
Detroit, MI 48214
161. Dr. Gloria S. McCutcheon
Professor
Clemson University
2865 Savannah Highway
Charleston , SC 29042
162. Ms. Priscilla McCutcheon
Department of National Resources
1254 Seton Place
Charleston, SC 29407
163. Mr. Henry McDee
Seattle, WA
164. Ms. Nancy McKeehan
Assistant Director of Libraries for
Systems
MUSC
171 Ashley Avenue
P.O. Box 250403
Charleston, SC 29425
165. Ms. Shirley P. McKnight
P.O. Box 1226
Hemingway, SC 29554
166. Ms. Adrienne M. McLain
Environmental Coordinator
MUSC - OSHP
19 Hagood Avenue, Room 908
Charleston, SC 29425
167. Ms. Catherine McNell
Seattle, WA
168. Mr. Samuel L. McPherson
Pastor
Goodwill A.M.E. Church
2818 Highway 17 North
Mt. Pleasant, SC 29464

169. Dr. Pamela A. Meyer
Chief, Epidemiology & Surveillance
Section
CDC - Lead Poisoning Prevention
Branch
National Center for Environmental
Health
1600 Clifton Road, Mailstop E-25
Atlanta, GA 30333
170. Mr. Jerome Mijess
2321 Laytor Street
North Charleston, SC 29406
171. Dr. Stephanie Miles-Richardson
Minority Health Program Manager
Environmental Toxicologist
Agency for Toxic Substances & Disease
Registry
1600 Clifton Road, NE Mail Stop E-28
Atlanta, GA 30303
172. Ms. Amy L. Miller
Liberal Arts Department Chair
Lewis College of Business
17370 Meyers Road
Detroit, MI 48206-2212
173. Dr. B. Coleman Miller
Consultant, NLM
1090 Vermont Avenue, NW
Washington, DC 20005
174. Dr. M. Valerie Mills
Associate Administrator
SAMHSA/HHS
5600 Fisher Lane
Rockville, MD 28407
175. Ms. LaShawn Mims
Lewis College of Business
137 E. Grand
Detroit, MI 48203
176. Mr. Harold Mitchell
Executive Director
Regenesi Community Develop Corp.
101 Anita Drive
Spartanburg, SC 29302
177. Mr. David Montesano
4603 NE Univ. Village #239
Seattle, WA 98105
178. Ms. Anthia Moore
Student
Lewis College of Business
15907 Stoepel
Detroit, MI 48238
179. Ms. Laura Morris
Principal Staff Member
CTC
4055 Faber Place , Suite 110
Charleston, SC 29405
180. Dr. Kenneth D. Mosely
Chairperson
Department of Health & Physical
Education
South Carolina State University
300 College Street
Orangeburg, SC 29115
181. Ms. Loretta Mouzon
Director
Community Health Partners of the
Lowcountry
P.O. Box 30776
Charleston, SC 29417-0716
182. Ms. David L. Nash
Director, EEO
National Library of Medicine
8600 Rockville Pike
Bethesda, MD 20721
183. Ms. Karen Neale
International Paper
1101 Pennsylvania Avenue, N.W.
Washington, DC 20004
184. Mr. Terrence Nelson
President
Our Virgin Islands Labor Union
PO Box 8624 Sunny Isle
Christiansted, USVI 00823

185. Ms. Sommer Nevels
Student
Lewis College of Business
3145 Woodstock
Detroit, MI 48221
186. Dr. Patrick M. O'Neil
Professor & Director
Weight Management Center
MUSC
171 Ashley Avenue
Charleston, SC 29425
187. Mr. Stephen T. Olds
District Conservationist
USDA-NRCS
7203 Jackson Road
Ann Arbor, MI 48103
188. Mr. Deano C. Orr
Regional Public Affairs Manager
International Paper
5 West Hargett Street, Suite #914
Raleigh, NC 27601
189. Ms. Vicky J Ott
Project Coordinator
MUSC
135 Cannon Street
P.O. Box 205551
Charleston, SC 29425
190. Mr. Martin Palmer
US Department of Transportation
15700 Dayton Avenue
Seattle, WA 98133
191. Dr. Gilbert R. Parks
President/CEO
Parks & Parks Healthcare
629 Quincy Suite #205
Topeka, KS 66603
192. Dr. Allen Parrott
Director, Special Projects
African Methodis Episcopal Church
603 Lamberts Drive
Ladson, SC 29456
193. Mr. Korey Parrott
1048 Doyle Street, Apt. 67
Orangeburg, SC 29115
194. Mr. Kay Patterson
Senator
S.C. Senate
P.O. Box 142
Columbia, SC 29202
195. Mr. Clarence Patton
Student
Lewis College of Business
14570 Whitcomb
Detroit, MI 48227
196. Ms. Lashawn Patton
Medical Assistant
Sister II Sister
8252 Kentucky
Detroit, MI 48204
197. Mr. Jerry O. Peoples
Environmental Policy Community
Organizer
Community Action Against Asthma
University of Michigan, School of Public
Health
8469 E. Jefferson
Detroit, MI 48224
198. Mr. Kendall Petersen
Farmer
FIA
22E Estate Pleasant
Frederiksted, St. Croix, USVI 00841
199. Ms. Yvonne Peterson
Executive Director
Beyond Victims Foundation
PO Box 66518
St. Thomas, USVI 00823
200. Ms. Cynthia Pourifoy
Acting Manager EJ/CL Staff Office
U.S. EPA, Region 4
61 Forsyth Street
Atlanta, GA 30303

- | | |
|---|---|
| 201. Mr. Arthur Pinckney
873 Long Point Road
Mt. Pleasant, SC 29464 | 211. Mr. Otto Ranberg
36A Hannahs Reef
36A Hannahs Reef
Frederiksted, St. Croix, USVI 00841 |
| 202. Ms. Victoria Plata
Environmental Protection Agency
1200 6th Avenue
M/S CRE-164
Seattle, WA 98101 | 212. Ms. Montrece M. Ransom
Program Analyst/PM1
Centers for Disease Control &
Prevention
615 Laurel Drive
Palmetto, GA 30268 |
| 203. Ms. Tracy Pou
Media Coordinator
Select Health of South Carolina
P.O. Box 40024
Charleston, SC 29414 | 213. Mr. Imam L.S. Rasheed
President
Communities United to Develop
Cultural Understanding (C.U.D.C.U.)
84 Spring Street
Charleston, SC 29403 |
| 204. Mr. Antonio Powell
Student
Lewis College of Business
11775 Engleside
Detroit, MI 48215 | 214. Mr. Ronald A. Ravenell
Chief Executive Officer
Sea Island Comprehensive Health Care
Corporation
3627 Maybank Highway
P.O. Box 689
Johns Island, SC 29455 |
| 205. Ms. Erica Powell
Lewis College of Business
2912 E. Lafayette
Detroit, MI 48207 | |
| 206. Ms. Shelia Powell
Community Health Advisor
1147 Porcher School Road
Awendaw, SC 29429 | 215. Dr. Gary Ray
Assistant Professor of Biology
University of the Virgin Islands
#2 John Brewer's Bay
St. Thomas, USVI 00802 |
| 207. Ms. Linda Pranger
Public Information
SC DHEC/Trident District
4050 Bridge View Drive, Ste. 600
North Charleston, SC 29405 | 216. Ms. Nicole Redmond
2 Brighton Circle
Charleston, SC 29414 |
| 208. Ms. Mechelle English President/CEO
Trident Urgan League
P.O. Box 20249
Charleston, SC 29413 | 217. Mr. James Ribbron
Consultant
Black Slate, Inc.
729 Seward
Detroit, MI 48202 |
| 209. Mr. James Price
Regional Coordinator Managed
CRE/HLT Disp.
Office of Civil Rights/DHHS
61 Forsyth Street, SW, Suite 3B70
Atlanta, GA 30300-8909 | 218. Mr. John Ridgway
Washington Department of Ecology
PO Box 47600
Olympia, WA 98501 |

219. Ms. Easler M. Robertson
Evangelist
JPAP
440 College Street
Shuqualak, MS 39361
220. Ms. Caroline Robinson
Superfund Ombudsman, Region 4
U.S. EPA
61 Forsyth Street
Atlanta, GA 30303
221. Ms. Uzenzile Robinson
Project Manager
Harambee House Inc., ACA-Net
1115 Habersham Street
Savannah, GA 31401
222. Mr. William S. Robinson
Program Manager - Partners in Wellness
MUSC
171 Ashley Avenue
P.O. Box 250776
Charleston, SC 29425
223. Dr. Keith Rodgers
Epidemiologist
MUSC
135 Cannon Street, Suite 405
P.O. Box 250838
Charleston, SC 29425
224. Mr. Robby Rodriguez
Organizing Coordinator
Southwest Organizing Project
211 10th Street, SW
Albuquerque, NM 87102
225. Mr. John Rosenthal
Environmental Counsel
National Conference of Black Mayors
5808 Bush Hill Drive
Alexandria, VA 22310
226. Dr. Everard O. Rutledge
Vice President Community Health
Bon Secours Health System
2097 Henry Tecklenburg Drive
Charleston, SC 29414
227. Mr. Iree Sanders
Sierra Club
1314 Lincoln Street, Suite 211
Columbia, SC 29202
228. Ms. Virginia S. Sanders
Conservation Organizer/Lobbyist
Sierra Club SC Chapter
1314 Lincoln Street, Suite 211
Columbia, SC 29202
229. Ms. Nicole Scott
Divine Universal Sisterhood
P.O. Box 72984
Charleston, SC 29415
230. Ms. Marianne Seifert
PO Box 47990
Olympia, WA 98504-7990
231. Mr. Willard J Sheppard
Forest Neighborhood Coalition
7 Endo Drive
Charleston, SC 29407
232. Ms. Judi Shimel
Reporter
Virgin Islands Source
PO Box 505
St. Thomas, USVI 00802
233. Dr. Kit Simpson
Professor
MUSC, College of Pharmacy
171 Ashley Avenue
Charleston, SC 29425
234. Mr. James C. Simuel
Environmental Health Manager
MUSC
118 Amberside Drive
Goose Creek, SC 29445
235. Dr. Monnie Singleton
Director, Center of Excellence in Rural
Minority Health
Voorhees College
P.O. Box 678
Denmark, SC 29042

-
- | | |
|--|---|
| <p>236. Ms. Carrie Sinkler-Parker
Associate State Director
AARP South Carolina
1201 Main Street, Suite 1280
Columbia, SC 29201</p> | <p>University of the Virgin Islands
St. Thomas, USVI</p> |
| <p>237. Mr. Steve Skardon
Executive Director
Palmetto Project
P.O. Box 506
Charleston, SC 29402</p> | <p>245. Ms. Ida Spruill
RN, MSN
MUSC Project Sugar
27 Oak Forest Drive
Charleston, SC 29407</p> |
| <p>238. Ms. Karen Slanker
Patient Representative
Care Alliance Health Services
316 Calhoun Street
Charleston, SC 29401</p> | <p>246. Mr. Hector A. Squiabro
Water Quality Specialist
DPNR Division of Environmental
Protection
Cyril E. King Airport Terminal Building,
2nd Floor
St. Thomas, USVI 00802</p> |
| <p>239. Mr. Wilbur Slockish, Jr.
CREED
PO Box 184
Thedalles, OR 97058</p> | <p>247. Dr. Gordan B. Stine
Advisor
S.C. Area Health Education
27 Wraggborough Lane
Charleston, SC 29403</p> |
| <p>240. Mr. Ray Slockish, Sr.
Yakama
1710 Barkes Road
Aarral, WA 98933</p> | <p>248. Ms. Sharon E. Strong
136 Dunnemann Avenue
Charleston, SC 29403</p> |
| <p>241. Ms. Patrice Smith
WCIV
P.O. Box 22165
Charleston, SC 29418</p> | <p>249. Mr. Alkesh Sura
MUSC Reach 2010
159 Rutledge Avenue
Charleston, SC 29425</p> |
| <p>242. Mr. Thurston S. Smith
Southeast Regional Vice President
NAADAC, The Association for
Addiction Professionals
901 N. Washington Street, Suite 600
Alexandria, VA 22314</p> | <p>250. Ms. Rosetta Swinton
Parish Nurse
AME Church 7th Episcopal District
1175 Mathis Ferry Road M2
Mt. Pleasant, SC 29464</p> |
| <p>243. Mr. David Spencer
Instructor
Lewis College of Business
20741 Camden Square Court
Apt. 103
Southfield, MI 48076</p> | <p>251. Ms. Ethel Taylor
IMA
4021 Napoleon Drive
North Charleston, SC 29418</p> |
| <p>244. C. Sprauve
Retired Professor</p> | <p>252. Ms. Melba M. Taylor
President/CEO
Imani Associates, Inc.
P.O. Box 71746
2020 Success Street
Charleston, SC 29415</p> |

253. Dr. Zachary Taylor
Chief, Field Services Branch
Division of TB Elimination
Centers for Disease Control and
Prevention
1600 Clifton Road, Mailstop E-10
Atlanta, GA 30333
254. Ms. Virginia Thomas
Community Health Advisor
MUSC
159 Rutledge Avenue, 2nd Floor
Charleston, SC 29425
255. Dr. Barbara Tilley
Department Chair
Biometry & Epidemiology
MUSC
135 Cannon Street, Suite 300
P.O. Box 250551
Charleston, SC 29425
256. Dr. James H. Tolley
Emergency Department of Charleston
Memorial Hospital
CMH/MUSC
171 Ashley Avenue
Charleston, SC 29425
257. Mr. Henry E. Tonnemacher
Owner
Seven Seas Ltd.
Box 223326
Christiansted, USVI 00822
258. Ms. Virginia Townsend
Community Organization for Rights and
Empowerment
P.O. Box 542
Holly Hill, SC 29059
259. Mr. Bill Turner
Executive Director
SEA
Arawak Building, Suite 3
Gallows Bay, USVI 00820
260. Ms. Kathy Turrisi
Program Administrator
- Transplant Center MUSC
150 Ashley Avenue
RTA Room 515
Charleston, SC 29425
261. Ms. Jo A. Valentine
Program Coordinator
CDC - NCHSTP-Division of STD
Prevention
1600 Clifton Road, Mailstop E-27
Atlanta, GA 30333
262. Mr. Mike Vanderhorst
EEO Coordinator
MUSC
404 Mayfield Street
Summerville, SC 29485
263. Mr. Ethell Vereen, Jr.
South Carolina Department of Natural
Resources
3329 Timmothy Drive
Longs, SC 29568
264. Mr. Rick C. Wade
P.O. Box 23733
Columbia, SC 29223
265. Mr. Tom Waldrep
Director, Center for Academic
Excellence and Director, The Writing
Center
MUSC
5 Legare Street
Charleston, SC 29401
266. Ms. Terri Wales
14663 Marlowe
Detroit, MI 48227
267. Ms. Kysha Wallace
Environmental Outreach Coordinator
DPNR Division of Environmental
Protection
Cyril E. King Airport Terminal Bldg.
2nd Floor
St. Thomas, USVI 00802

268. Ms. Gloria Warner
Vice President, Operations
Family Health Centers, Inc.
3310 Magnolia Street
Orangeburg, SC 29115
269. Dr. Rueben Warren
Associate Administrator for Urban
Affairs
Agency for Toxic Substances & Disease
Registry, DHHS
Bldg. 37 Executive Park
1600 Clifton Road, Mailstop E-28
Atlanta, GA 30333
270. Ms. Cookie Washington
Princess 7 President of SC Progressive
Network Charleston
S.C. progressive Network
1943 Calver Avenue
Charleston, SC 29407
271. Ms. Carrie Whipper
Program Coordinator
Palmetto Project
P.O. Box 506
Charleston, SC 29402
272. Ms. D'Jaris Whipper-Lewis
Research Coordinator
MUSC
College of Pharmacy
171 Ashley Avenue
P.O. Box 250141
Charleston, SC 29425
273. Ms. Linda White
18713 Greenfield
Detroit, MI 48235
274. Ms. Shantia White
Lewis College of Business
989 E Brentwood
Detroit, MI 48203
275. Ms. Heather Whiteman Runs Him
Attorney
Jicarilla Apache Nation
405 Dr. Martin Luther King Junior
Avenue, NE
Albuquerque, NM 87102
276. Ms. Nancy Whittle
Community Liaison/Environmental
Quality Control
SC Department of Health &
Environmental Control
2600 Bull Street
Columbia, SC 29201
277. Ms. Pamela J. Wilkerson
Extramural Community Liaison
CDC/NIOSH
1600 Clifton Road, Mailstop E-20
Atlanta, GA 30333
278. Mr. Benjamin Williams
3513 Montclair
Detroit, MI 48214
279. Ms. Keyona Elaine Williams
Vice President
Sister-to-Sister
15530 Normandy
Detroit, MI 48238
280. Ms. Patricia R. Williams
President
African-American National Better
Health & Wellness Institute
1409 D Folly Road
Charleston, SC 29412
281. Ms. Querida N. Williams
Student
Lewis College of Business
119 Town Center
Apt. 103
Highland Park, MI 482036
282. Mr. Rudy Williams
SC PHCA
2211 Alpine Road Ext.
Columbia, SC 29223
283. Ms. Tamika Williams
20108 Greenview
Detroit, MI 48219

- 284. Ms. Marlena Z. Wilson
20141 Appoline
Detroit, MI 48235
- 285. Mr. Russ Wright
Special Assistant to the Regional
Administrator
EPA
61 Forsyth Street
Atlanta, GA 30311
- 286. Mr. Martin Yanez
PO Box 800
Granger, WA 98932
- 287. Dr. Wengle Zhao
1239 Old Course Lane
Mt. Pleasant, SC 29466
- 288. Dr. Deyi Zheng
Epidemiologist
MUSC Research
135 Cannon Street
P.O. Box 250835
Charleston, SC 29425

Themes and Consensus Recommendations

A number of themes recurred throughout the five Listening Sessions, and indeed most of these themes were voiced in the series of Listening Sessions that formed the basis for the first report of the National Environmental Policy Commission. The Commission urges Congress to address these concerns, and the recommendations we make to resolve the concerns, in any and all possible ways, whether through oversight of federal agency programs, legislation, or use of appropriations to provide resources to the communities we describe in this report. Our recommendations focus on the key topics addressed during our Listening Sessions: preservation of health for all, justice in environmental regulations and community quality of life, and sound sustainable economic development. The Commission's consensus recommendations are as follows:

Congress should launch a specific initiative to eliminate disparities in health care and health outcomes according to race and income. It is past time that Congress exercise its authority over the expenditure of federal dollars and the authorization of federal programs to eliminate the well-documented disparities in health in the United States. This effort is crosscutting, because it requires better research on the causes of health impairment, fairer allocation of health care resources, and far greater inclusion of people of color in the health care profession. Among the frequent recommendations made in the Listening Sessions, and which the Commission endorses, are: requirements of expanded disease registries; incentives to increase the representation of people of color in all levels of the medical profession; and inclusion of representatives from communities of concern in government-sponsored research projects on environmental health and health disparities.

Congress should leverage the resources newly being devoted to Homeland Security to provide improved health information and services to communities of concern. Persons testifying before the second Commission reiterated the concerns of earlier presenters that baseline information needs to be collected on community health and that communities of concern, including tribal communities, too often lack basic health services. The infusion of funds and staff to better track infectious diseases and other terrorism threats provides a unique opportunity to respond to the needs of communities of concern. New health tracking networks are being created, and the adequacy of local health care is being evaluated. The government currently is focused upon assuring that information readily available cannot be used for terrorist purposes. There is equally compelling need to provide information on community health and environmental conditions in order to understand the environmental causes of disease, determine the regulatory steps needed to prevent such disease, and provide services to the populations affected. As the Congress considers new security funding, it should look for synergies to enhance environmental and health protection and, in particular, assure that communities of concern and tribal communities are a focus for information and services. Congress must recognize and support wherever possible the role of tribes and local governments as first responders in response to terrorism.

Congress should pursue avenues for federal, state, local and tribal governments to work together to expand the safety net of environmental control to all sources of pollution. Many of those testifying before the Commission lamented the lack of enforcement of existing standards; more testified about sources of pollution for which there are no existing regulatory requirements. For

larger fixed facilities, concerns often centered on under-regulated releases like noise, odor and the potential for spills or upsets. For a broad array of sources -- from wastes like auto fluff to impacts from tourism and run-off from golf courses and mobile homes -- the concern was lack of regulation. The majority of presenters expressed concern about the cumulative impacts of vehicles of all sorts, particularly since many communities of concern are located in high traffic areas. Congress, through appropriations or oversight, has the opportunity and obligation to assure that EPA is constantly using its authority and discretion to reduce pollution from all sources.

Congress, EPA and other federal agencies must find better mechanisms to involve communities in environmental decision making at all levels. Environmental regulation in the United States is a patchwork of statutes limited to one media or one kind of activity, often employing arbitrary exemptions and cutoffs unrelated to individual or cumulative impact on a community's health and environment. As noted above, coordination among the federal, state, local and tribal governments responsible for addressing polluting sources is inadequate. As a consequence, many communities of concern are faced with multiple sources of pollution and no safety net in environmental law and enforcement that guarantees their fundamental health and safety. Congress, EPA and other federal agencies, working with their state, local and tribal partners, have a responsibility to address these unacceptable burdens, and it was to this end that the Commission recommended in its prior report that Congress consider the need for a unified environmental statute. In the interim, and as part of the future of environmental regulation whether or not there is basic legislative change, it is vital to assure that community members are involved in all phases of environmental information gathering and decision making. Community members are aware of the existence of most sources of pollution in their vicinity and are a base of reliable information on practical means to address these sources. Mechanisms for community involvement should provide outreach not only to the local community, but also to community members that may suffer from impacts beyond the immediate vicinity of a proposed action, particularly tribal communities that may be affected by cumulative or indirect impacts or whose off-reservation sacred places may be affected. Community judgments are key to a fair balance of the need for economic growth and development with the obligation to assure protection of health and the environment.

Congress should exercise its oversight and funding authorities to fully and accurately characterize and control the impacts of transportation projects on health and environment. Adverse impacts are pervasive and complex. Lack of ready access to transportation, particularly efficient mass transit, impedes access to health care and impairs quality of life in communities of concern and tribal communities. Government agencies at all levels should find ways to better understand the needs of communities with limited or no mass transit systems and look at how this impacts their ability to seek and access health care services. This should include ways to involve the private sector in developing innovative and creative transportation services for these communities and broaden the scope of the public transportation system.

Creation of needed new transit must be planned with care, however. The placement of new roads and mass transit, if uninformed by the practices and needs of the community, can divide historic neighborhoods. The creation of gated communities, and the resulting redirection of traffic on public roads, can increase congestion in less fortunate communities. New roads intended to facilitate economic growth can destroy the use -- even the existence -- of sacred sites and other places of historic and cultural significance as well as contribute to global climate change. Transportation projects have implications for global climate change that should be taken into consideration,

including indirect and cumulative impacts on communities far removed from the specific project, such as Alaska Native villages.

Moreover, the impacts on health and the environment from existing roads are insufficiently monitored and regulated. Adverse health impacts from the proximity of highways and high congestion areas to communities of concern were decried throughout the Commission's Listening Sessions. It is clear that the current NEPA and environmental processes are inadequate to address the impacts of transportation projects on health and the environment, and the Commission recommends that the Congress take immediate action to focus attention on the adverse impacts of transportation projects in communities of concern and to devise means to address these impacts.

Congress should create clear guidelines to correct federally owned facilities' failure to involve surrounding communities in their evaluation of environmental impacts and failure to make timely progress on remedial obligations. The first Commission report called for an accounting of the impact of federal facilities on the environment, yet those testifying before the Commission communicated that conditions appear little changed. In fact, many communities of concern have seen cleanup schedules lengthen due to budget cutbacks, and they are outraged by attempts to exempt federal facilities from the environmental laws applicable to private parties. Rather than entertain hearings on exemptions and special treatment for federal facilities, Congress should hold the federal agencies accountable for progress in reducing their adverse environmental impacts. Congress also should evaluate the adequacy of federal facilities' community involvement processes on a national as well as site-specific level, and evaluate procedural mechanisms to guarantee public dialogue and inclusion of community views at federal facilities with environmental releases and waste legacies.

Congress, EPA and other federal agencies should facilitate consideration of workable mechanisms to incorporate environmental justice into land-use planning. The Commission is well aware of the legal and traditional constraints against federal intervention into local zoning, but it also observes that many adverse impacts on communities of concern cannot be meaningfully addressed without changes in local land use practices. The Commission urges the Environmental Protection Agency to evaluate the information that could be disseminated to advance public understanding of good land use planning practices. The Commission also urges Congress to evaluate the means by which federal facilities and federal programs (including those run by the Army Corps of Engineers and the Department of Transportation) could initiate demonstration projects on community-sensitive land-use practices.

Congress should highlight and support government and private sector gains in workplace diversity and inclusion. In light of the Supreme Court's recent emphasis on the importance of diversity and inclusion, Congress should play its part in furthering these values. Many presenters before the Commission stressed the importance of jobs and economic opportunities for communities on concern. Congress can respond to these needs by providing a forum to discuss best practices in the government and the private sector with regard to workforce diversity and inclusion, as well as identify opportunities within federal actions to promote diversity.

Congress should act to assure that transportation and economic development projects do not impair sacred sites. Current review processes under NEPA and state and federal environmental laws emphasize process and procedure, not the outcome necessary to assure that the economic

desires of non-tribal interests do not impair sacred sites with unique cultural and spiritual meaning. There are two mechanisms required to remedy this inadequacy: first, uniform recognition of tribal sovereignty, and second, clear articulation of the obligation to preserve sacred sites as a core element in environmental and transportation regulatory programs. It is vital that agencies that plan and carry out transportation projects ensure that Indian tribes are consulted to identify and evaluate impacts of concern to tribal communities, particularly impacts on off-reservation tribal sacred places. The National Historic Preservation Act requires that federal agencies and state agencies using federal funds consult with Indian tribes and Native Hawaiian organizations (NHO) when a project may affect historic properties that hold religious and cultural importance for a tribe or NHO. The earlier such consultation begins, the more likely it is that adverse impacts to tribal sacred places can be avoided. Transportation agencies must learn to take the obligation to consult with tribes seriously and proactively seek tribal involvement early in their planning processes. Congress should consider the enactment of legislation to ensure that consultation with tribes actually leads to the preservation of tribal sacred places.

Congress should address the need for resources to support environmental infrastructure on tribal lands. Congress in amendments to environmental statutes has sought to recognize tribal sovereignty and support tribal efforts to address such environmental blights as open dumps within reservation boundaries. Congressional recognition of tribal sovereignty for environmental protection should include provisions to ensure that persons who are not tribal members are treated fairly and have meaningful opportunities for input into tribal government decisions that affect them. Additional clarity is needed, however, to assure that tribes have recognized authority to assure environmental protection on tribal lands. Tribes also must have the resources needed to assure proper waste and water treatment and remediation of contaminated areas.

Congress should address the need for environmental infrastructure in the U.S. territories. The Commission's Listening Sessions in the Virgin Islands highlighted the absence in many areas of the fundamental waste and clean water services the vast majority of communities take for granted. The Commission also supports efforts to target environmental funds to the territories in order to provide these communities vitally needed protection of human health and the environment.

Congress should expand the collaborative model of the Interagency Working Group to new demonstration projects and additional governmental programs. Many of those testifying before the Commission described the demonstrated success and broad promise of the federal Interagency Working Group (IWG). Under this and other comparable collaborative models, government acts as a facilitator and source of information and resources to communities of concern seeking to improve quality of life by enhancing environmental protection and fostering economic development. The community selects its leaders, develops a positive vision for community change, and works with all stakeholders – business and industry, all levels of government, non-profit groups, health professionals and others. By definition, the collaborative model requires partnerships across stakeholders from different perspectives focused on tangible improvement in health and quality of life. The model is founded on full access to information, a transparent discussion process, and mutual respect. Congress should investigate the collaborative model and the specific IWG demonstration projects with an eye to expanding the program with further resources, as well as expanding the collaborative approach to other programs such as the building of national infrastructure.

Congress should provide support for community-based, faith-based, and tribal organizations that have initiated important projects to protect community health, provide environmental and health information, and facilitate community revitalization. Many presenters described the effectiveness of grassroots, faith-based and tribal projects, particularly with regard to providing health information and health care. These groups have achieved much with modest resources, and the federal government has an important role to play in supporting these efforts with grant moneys where appropriate and broad communication of best practices.

***S**pecific Recommendations Presented to the Commission*

(Note: These recommendations are numbered for ease of reference, and are in the order in which they are presented in sections 2.1-2.8 of this report - not in priority order.)

1. The Community must be part of agenda setting for health research and care.
2. A national tracking system for acute and chronic disease and birth defects must be organized, publicized and used to identify where environmental regulations are inadequate.
3. Physicians need training in environmental effects on health.
4. Eliminating health disparities caused by environmental factors must be a national and state priority.
5. The health impacts of cumulative risks must be incorporated into the environmental regulatory system.
6. Departments of health and environment must coordinate more closely.
7. The need to address health disparities is particularly urgent in times of economic downturn.
8. Funding to deal with lead poisoning must be maintained.
9. With public health sector resources dwindling, there must be a rethinking and restructuring of the role of the public health sector agencies in health service delivery.
10. Health care agencies should get out of the business of providing direct services and into the business of facilitating delivery of services.
11. Alter the activity of the agencies and players whose action (or inaction) impacts the affected community; e.g., require community consultation by state permitting agencies, or create additional oversight of state or local officials by creating new levels or functions of government.
12. Extend help or empowerment to impacted communities to help citizens better argue their case; e.g., expanded technical assistance or funding for administrative or legal support of groups within these communities
13. Amend NEPA to require Environmental Impact Statements to include improved quality control and health evaluations, as well as inventories and evaluations of cumulative impacts in communities, before allowing federal dollars to be invested in local projects.
14. Federal government should carefully review any funding directed to projects approved by

local zoning, stop subsidizing developments in flood plains, and ensure that the environmental impacts of projects are made known to the local community, and there has been sufficient opportunity for widespread community outreach and involvement.

15. Federal government should bear the responsibility to ensure that local communities are not subject to environmental degradation as a result of U.S. treaty obligations, such as the North Atlantic Free Trade Agreement.
16. Many communities of concern lack basic infrastructure for sewage treatment, clean water and air pollution controls. Congressional appropriations should address these needs.
17. Utilize the wealth of data available through the USDA Conservation Service soil survey program and other federal agencies to identify potential concerns of sites being considered for development.
18. Support national health tracking legislation to create a nationwide tracking network to collect, analyze and report data on chronic disease and the presence of relevant environmental factors and exposure.
19. Develop further regulation to address the health and environmental impacts of airports, including considering relocation of schools located near airports.
20. Ensure citizens equal protection under Federal law, regardless of their location, income or race.
21. EPA needs to inventory actual environmental impacts in communities in order to identify the effects of regulatory loopholes and exemptions.
22. To be effective, government must move from public participation to true community involvement. This involvement means committed partnership among stakeholders.
23. Community involvement must be part of all environmental actions and responses.
24. Other environmental programs must have the funded community involvement provided in Superfund. Residents need technical assistance to participate in environmental decision making on an even playing field.
25. In times of fiscal constraint, enforcement resources must be targeted at communities of concern – those communities with multiple facilities, vulnerable populations and a legacy of imprudent land-use planning and inadequate environmental enforcement.
26. New enforcement resources authorized by the Department of Homeland Security should be leveraged to provide monitoring and cleanup to communities of concern, not restriction on information available on residents' health.
27. The crisis of lead poisoning in children of color has not been addressed and requires enforcement of lead cleanup and abatement requirements.

28. Environmental enforcement authorities should target for surveillance communities of concern where improper land-use planning puts pollution proximate to residents.
29. EPA's regulatory standards should be established with consideration for the heightened danger posed by the proximity of multiple sources of pollution to residents.
30. Federal and state enforcement authorities need to combine compliance assistance to small and uninformed entities with aggressive action against sophisticated parties and repeat offenders.
31. Enforcement agents need to expand their scope to include all sources of pollution and nuisance in communities of concern and not just focus on facilities for which review is easiest.
32. Compliance with disease registry obligations is an environmental justice priority.
33. Sacred sites are important environmental issues that should be protected even when projects for economic development, transportation enhancement, or other societal benefits are being considered.
34. The impacts of gentrification should be considered when revitalization in inner cities is undertaken, especially when it is likely to displace low-income and people of color.
35. Pesticide exposure, especially as it relates to farm workers, should be further studied to ensure that existing regulations are adequate to protect humans and the environment, and a concerted effort should be made to ensure that existing regulations are strictly enforced.
36. Evaluations should be done on how pesticides break down in the environment and on their potential to contaminate soil, water and air.
37. More analysis should be done to determine the link of pesticide exposure to a variety of cancers, hormone or endocrine disruption, and birth defects.
38. Workforce diversity is important to corporate environmental responsibility and should therefore be encouraged.
39. Despite the attacks of the Bush Administration on affirmative action, Corporate America firmly supports affirmative action as an essential tool in achieving a diverse workforce, and thus should be applauded for its firm support of supporting affirmative action to achieve a diverse workforce.
40. Corporations should be encouraged to employ a diverse workforce as a strategic imperative in achieving environmental responsibility.
41. Corporations should be encouraged not only to have environmental policy statements, but also to adopt environmental justice policies.
42. Legislation to give EPA a mandate for direct implementation of federal environmental laws in Indian country [and Native Alaska], as a complement and alternative to treatment of tribes as states.

43. Legislation affirming the inherent sovereignty of tribes to carry out environmental regulatory programs within reservation boundaries, with delegation of federal power as a safeguard to avoid legal challenges to tribal authority, and with right of judicial review in federal court (in appropriate cases and after exhaustion of tribal remedies) to review compliance with Indian Civil Rights Act but not to argue that tribe lacks sovereignty over the subject matter.
44. Legislation to assist tribal governments in developing environmental review processes under tribal law, in ways that ensure meaningful opportunities for concerned members of the public (including persons who are not tribal members) to become involved and make their views known before decisions are made, and to have genuine input into tribal government decisions that affect them.
45. Support for cooperative agreements between tribes and states/local governments.
46. There should be better enforcement of wastewater discharges from Canadian sources into the water and sewage system(s) in the Detroit area.
47. Local, state and federal agencies should coordinate their enforcement procedures for Canadian water discharge in the Detroit area, and disseminate information to the residents on the nature of such discharges, and whether such discharges have any adverse environmental impact.
48. A study should be conducted to determine whether Michigan's elimination of its vehicle emissions requirements is having an adverse impact on the environment.
49. U.S. Department of Agriculture should provide training and support for preservation of prime agriculture lands in the Virgin Islands.
50. Effective standards for drinking water and the for the treatment of raw sewage should be developed by the EPA, and enforced in V.I. which should encompass a compressive land and water use plan.
51. Adequate health care and treatment facilities should be located in St. Croix.
52. The U.S. Government should provide more resources to support environmental agencies in the territories.
53. Oil refinery environmental emission regulations should be adequate to protect not only the health of the residents, but also protect the environment. And, these regulations should be enforced.
54. Imported vehicles into V.I. should meet emission standards, thus reducing air pollution.
55. Federal government, in cooperation with local government, should take the lead in ensuring that the environmental regulations are adequate to protect the human health and the environment.
56. Impacts of pollution on indigenous plants and products should be assessed and controlled.

57. More and better interagency cooperation is needed to deal effectively with health and environmental issues.
58. Better information and effective regulations should apply to animal and plant importation to ensure that unintended plants and animals are inadvertently brought into the V.I.
59. The military must not be exempt from any environmental standards, and it should be equally subject to enforcement. Many state Superfund sites derive from military waste disposal, and all attempts to exempt the military from full Superfund responsibility should be rejected.
60. Military compliance with environmental standards should be enhanced by passage of the Military Environmental Responsibility Act.
61. Communities deserve redress (including fair market value for owned properties) where HUD build properties on old dump sites.
62. Accurate information must be distributed on the impacts of federal facilities needing cleanup.
63. There is no effective, objective, independent oversight of federal facility cleanup.
64. At federal facilities, surrounding communities need signs posted at areas of contamination, clean food and medicine.
65. The National Park Service is an inadequate steward to Petroglyphs National Park.
66. Congress should compel DOE to release classified information about environmental releases impacting community health when the national security defense for confidentiality has passed.
67. The impacts of munitions production are insufficiently regulated.
68. The cumulative impacts of emissions from Hanford with commercial animal feedlot wastes must be understood and regulated. An epidemiological study is needed at Hanford.
69. DOE cleanups need more aggressive monitoring to assure all contaminated areas of a site are addressed and that there are clear interim cleanup milestones where a project will take years to complete.
70. The environmental impact of any plan to increase U.S. nuclear capacity must be evaluated.
71. Federal agency coordination at facilities like Hanford is essential if states and local governments are to collaborate in addressing a site.
72. The Hanford tri-party cleanup plan must be fully funded each year without recourse to litigation.
73. Federal agencies must be fully accountable to report old and on-going releases into the environment.
74. The impact of military operations on U.S. territories must be reduced.

Listing of All Recommendations Presented to the Commission

<i>Stakeholder Group</i>	<i>Recommendation</i>
Health Impacts and Disparities	
Community	<p>Managed care is part of institutional racism in that it focuses on cost rather than the most appropriate medicine.</p> <p>The community must be part of agenda setting for health care.</p> <p>Physicians need to be trained in the health impacts of military bases, incinerators, modes of transportation, and toxics in general.</p> <p>Internships are needed for youth health education.</p> <p>Health education is needed for the urban poor.</p> <p>The government needs to incentivize practice in underserved areas. Medicare/Medicaid payments are insufficient.</p> <p>Funding for minority medical students must be expanded; they suffer from financing “redlining.”</p> <p>Research should be conducted on the psychological impacts of pollutants on agricultural people.</p> <p>Effective policies on redressing disparate impacts must come from the community, focusing on the areas of greatest disparity.</p> <p>Prevention programs (like nutrition education) are needed.</p> <p>Health education programs should hire community members to facilitate communication with other community members.</p> <p>Better information is needed on the contents of bottled water.</p> <p>Government agencies need to become leaders in providing fitness centers and financial incentives for employee fitness.</p> <p>Malpractice insurance should provide a discount to physicians using culturally aware preventative care.</p> <p>Nurses have a key role in addressing health disparities; funding the education of nurses should be a priority.</p> <p>State provision of medical care to addicts must be equalized.</p> <p>Military retirees need access to exercise facilities.</p>

	<p>Land use plans should include consideration of the health impacts of clustering fast food and liquor establishments.</p> <p>Education is needed on prenatal care and infant nutrition.</p> <p>Research is needed on the effects of hormones and other food additives, particularly given their proliferation in fast foods.</p> <p>Federal transportation funds should be used to evaluate transportation's effect on asthma.</p> <p>NIH should be funded to address the health impacts of household renovation, indoor air pollution and school air quality.</p> <p>National security should not be cited to evade responsibility for reporting data on DOE projects, like Project Gas Buggy, that may be impacting community health.</p> <p>The increasing poverty in the U.S. makes chronic respiratory disease screening and more important.</p> <p>The bureaucracy in funding available for faith-based and community service groups should be reduced.</p> <p>A national tracking system for birth defects, including defects among immigrants, must be organized, publicized and used to identify where environmental regulations are inadequate.</p>
Government	<p>The impacts of environmental exposure near Superfund sites need to be understood in the context of other health factors.</p> <p>Physicians need training in environmental effects on health.</p> <p>The performance of health care providers must be monitored to reduce health disparities.</p> <p>The Office of Civil Rights in HHS needs more authority.</p> <p>Health data need to be evaluated according to race.</p> <p>To improve health, we need community based and community driven programs that include both good science and non-traditional methodology where appropriate to fully understand issues and conditions.</p>

	<p>Eliminating health disparities must be a national and state priority.</p> <p>The federal government should seek creative health funding mechanisms like a diabetes stamp.</p> <p>GAO should do a study of job loss caused by health disparities.</p> <p>Human health concerns are more important than conservation values when the need for a clean water supply required location of a treatment plant in a national forest.</p> <p>Cancer from rural application of pesticides must be investigated and addressed.</p> <p>EPA needs to provide technical assistance in terms of techniques for health tracking.</p> <p>As services are provided to communities, the definition of “community” must not be allowed to disadvantage environmental justice groups.</p> <p>The health impacts of cumulative risks must be incorporated into the environmental regulatory system.</p> <p>Guidance needs to be provided to states about how to identify and deal with priority sites of concern when conducting cumulative risk assessment.</p> <p>Departments of health and environment must coordinate more closely.</p>
Business	
Academic	<p>The U.S. needs a shared national vision for health that does not tolerate health disparities and that includes basic health services for all.</p> <p>Community members need internet access to health information through churches, civic centers, etc.</p> <p>Medicine must be evidence-based.</p> <p>Research is needed in genetics, the effects of toxics and how they affect health outcomes.</p> <p>Clinical trials must include people of color.</p> <p>The medical community must be more diverse.</p> <p>The need to address health disparities is particularly urgent in</p>

	<p>times of economic downturn.</p> <p>There is insufficient rural community input in national policies.</p> <p>There must be financial incentives for physicians to locate in rural communities.</p> <p>Mandatory nutrition education is needed on the impacts of diet, exercise and personal choice. This information also should be included in federal food assistance programs.</p> <p>HBCU projects should include a community component.</p> <p>Socio-economic disparities cause health disparities.</p> <p>HBCU's have a vital role in providing needed physician and health training.</p> <p>Science training should be subsidized for students of color who may become physicians.</p> <p>Research centers need to expand to locations that serve minority communities.</p> <p>Tobacco settlement moneys should go to health programs.</p> <p>Medicaid should provide treatment to those convicted of drug offenses.</p> <p>Controls are needed to counter the effect of advertising encouraging poor eating habits and eliminating the use of junk food vending machines in schools.</p> <p>Baseline statistics on health disparities are needed.</p> <p>Funding must be reinstituted to deal with lead poisoning because children of color are now disproportionately burdened since the problem has shifted from lead in fuels to lead in paint.</p>
Environmental	<p>A nationwide health tracking system from chronic disease is required and should be coordinated by the CDC.</p> <p>The government should be tracking asthma attacks nationally.</p> <p>The government should be tracking the impacts of lead exposure on learning and violence over the long term.</p>
Impacts	

Community	<p>There should be environmental justice education in the public schools and in the workplace.</p> <p>Federal funds should be earmarked for cleanup of communities of color and low-income communities.</p> <p>70% of the economic benefits of brownfields redevelopment should go to neighboring residents. This includes the benefit of any training or jobs associated with redevelopment.</p> <p>Auto fluff should be regulated as a hazardous waste.</p> <p>Land use can negatively impact minority communities as commercial development encroaches on historic African American communities and gated communities redirect traffic into disadvantaged communities.</p> <p>Government regulation and policy should focus on the involuntary imposition of health impacts from carcinogens, rather than voluntary lifestyle issues.</p> <p>Regulation is needed to address the health impacts of sleep deprivation caused by night air cargo landing.</p> <p>The environmental impacts at airports (noise, air impacts, traffic) are insufficiently regulated.</p> <p>Residents and schools should be relocated away from airports.</p> <p>The risks from cement plants must be calculated and communicated.</p> <p>The burning of garbage and radionuclides in cement must be regulated.</p> <p>Cement kilns must be required to monitor and report emissions, have emergency evacuation plans.</p> <p>Regulations must control emissions from clusters of cement kilns.</p> <p>EPA must develop procedures to evaluate the local impacts of clusters of TRI facilities in communities.</p> <p>Impact analyses are needed for the effects on tourism on the environment.</p> <p>Controls are needed for pest control, operation of golf courses, and depletion of shellfish.</p>
-----------	--

	<p>The cutoff levels for regulation under the Safe Drinking Water Act must be lowered.</p> <p>EJ must be part of the Everglades Restoration project; current provisions are inadequate.</p> <p>Environmental impact statements need better quality control and should include health evaluations.</p> <p>NEPA must include an EJ component.</p> <p>Federally subsidized projects like sugar production must be accompanied by environmental control requirements.</p> <p>EPA needs to inventory actual environmental impacts in communities in order to identify the effects of regulatory loopholes and exemptions.</p> <p>Household hazardous waste should be handled like toxic waste.</p> <p>The beneficial impacts of constructed wetlands need to be better communicated and projects incentivized.</p> <p>Bottled water should be held to the same quality standards as tap water.</p> <p>Environmental legislation should include the precautionary principle.</p> <p>Legislation needs to ban the siting of schools on toxic land and near toxic incinerators (including crematoriums).</p> <p>Regulations are insufficient to protect heritage areas such as the Petroglyph National Monument.</p> <p>Medical waste facilities are inadequately regulated.</p> <p>There needs to be an environmental justice analysis to supplement the zoning process.</p> <p>Monitoring rather than risk modeling should be used when available.</p> <p>Research is needed on hemp as an alternative fuel.</p> <p>Air trading programs are not appropriate if they allow toxic hot spots in environmental justice communities.</p> <p>New source review provisions can be important opportunities for environmental justice communities to gain access to the decision-</p>
--	---

	<p>making process and input into environmental permits.</p> <p>Sustainability requires use of the precautionary principle.</p> <p>Congress needs to study the root cause and impacts on the environment of poor children.</p> <p>Additional regulations are needed for cement kilns.</p> <p>The need for additional regulation of the transportation of decommissioned nuclear reactors should be investigated.</p> <p>Regulations insufficiently protect medicinal plants from water pollution.</p> <p>The regulatory process should employ the precautionary principle.</p> <p>Animal waste runoff control requirements are inadequate.</p> <p>Cumulative risk controls are needed, but discussion of cumulative risk should not deter action on major sources of pollution.</p>
Government	<p>Individuals need to take responsibility for their own garbage minimization.</p> <p>Ecological preservation should not compromise health needs.</p> <p>The soil in urban areas must be mapped for toxics in order to identify needed remediation.</p> <p>The government should employ more “soft engineering” – using living water course stabilization rather than seawalls.</p> <p>Toxics in rural environments (like sewage from mobile homes) must be regulated.</p> <p>Urban gardens and reforestation in urban areas must be expanded for environmental and psychological effects.</p> <p>Dry cleaners offer enormous potential for pollution prevention, starting with the adequacy of regulation, the clustering of facilities in light of regulation, the enforcement of existing regulation.</p> <p>States need EPA research on cumulative impacts.</p> <p>Research is needed on the effects, causes and methods to detect toxic mold (see H.R. 5040).</p>

	<p>The disparity in provision of essential environmental services (like sewage treatment) in the U.S. must be addressed.</p> <p>The groundwater impact of aging septic tanks must be addressed, both in terms of replacement and corrective action.</p> <p>EPA needs more enforcement staff dedicated to EJ issues.</p> <p>Environmental Impact Statements need to include consideration of cumulative impacts.</p>
Business	<p>Regulatory policies must account for the need to connect wastewater and agriculture in areas of low precipitation.</p> <p>The impacts of growth and development on beach erosion must be studied, and erosion reduced.</p> <p>The role of the Army Corps of Engineers in reducing beach erosion must be monitored.</p> <p>Business cannot expect to curtail emissions in the absence of clear regulations.</p> <p>Superfund's cost far exceeds the actual cleanup obtained.</p>
Academic	<p>More research must be done on the challenges of maintaining sewage treatment systems in tropical environments.</p> <p>Education is needed on the beneficial effects of landscaping.</p>
Environmentalist	<p>The government must stop subsidizing development in floodplains.</p> <p>National autoeffluent regulations are needed.</p> <p>Information on environmental impacts of a federal project should be available without resorting to FOIA.</p> <p>EPA needs to address cumulative impacts, with the community as a focus of that research.</p> <p>There need to be better, more enforceable odor control standards.</p> <p>Zoning is at the heart of exposure to toxics and is insufficiently addressed by environmental regulations.</p>
Community Involvement	

Community	<p>Land use planning must include community groups and members of unincorporated communities.</p> <p>Appropriations should earmark funding for paid consultants to community groups.</p> <p>All health research should have a community component and the results should be shared with the community.</p> <p>Federal funding is needed (appropriations, DOE, EPA, etc.) for non-profits and organizations enhancing information exchange in the community (like ACANET) in order to leverage knowledge, link academics and community members, and develop policy recommendations for government.</p> <p>Non-profits should be able to compete fully with commercial interests where they can provide equivalent service at equivalent price.</p> <p>The National Park Service needs to communicate better with community members and understand their values.</p> <p>Agricultural community members need a greater voice in land use policy and governmental policies on development and industrial subsidies.</p> <p>Study is needed about the adequacy of health department funding in light of immigration trends.</p> <p>The federal Interagency Working Group pilot projects are a good example of robust community participation, and should be funded.</p> <p>The community needs practical tools on how they can be part of environmental solutions, including tending garden plots and using public transportation.</p> <p>The government needs to take a strong lead in encouraging community/business partnerships.</p> <p>Water quality information needs to be better disseminated.</p> <p>Regulation is needed of the environmental conditions in juvenile detention homes.</p> <p>Formerly secret Defense projects like Operation Cloud Share should be declassified and information made available to the potentially impacted community.</p>
-----------	--

	<p>The public notice and participation requirements for special waste landfills are inadequate. Community input is mandatory before any meaningful decisions are made.</p> <p>Public participation must be conducted in the language of the community and in the clear terms that afford them full participation in the decision-making process.</p> <p>There should be open, understandable public hearings on all developments and activities that could impair the environment or community rights.</p> <p>Better collaboration is needed among state health and environmental agencies.</p> <p>The IWG pilot projects have been good examples of corporate/community collaboration.</p> <p>Work is needed to narrow the growing divide between business and the communities it impacts.</p> <p>EPA's progress in addressing Title VI cases must be better communicated.</p> <p>There must be means to better coordinate among academia, communities and government to provide effective input into environmental policy.</p> <p>The IWG pilot program must become the template for government action because it's not simply a bureaucratic device, but it is a template for interaction forged from the demands of the community for participation in environmental decisions.</p>
Government	<p>There must be interagency environmental justice coordinators in each state to truly address community issues.</p> <p>New techniques must be developed to overcome some government employees' resistance to focusing on environmental justice.</p> <p>State and local government collaboration on environmental justice cannot succeed without strong federal interagency collaboration.</p> <p>Enforcement of TRI requirements must be fully funded in order to provide the information communities need.</p> <p>TRI must be expanded to cover currently non-reporting sources of emissions.</p> <p>Federal agencies must be equally accountable for TRI reports.</p>

	<p>Government “listening sessions” and public meetings must be staffed sufficiently to be meaningful and assure good attendance.</p> <p>The government needs to retain more regulatory personnel with foreign language capability by providing a 5% bonus for such ability.</p> <p>EPA’s small grants program should be re-funded.</p> <p>Every federal agency should have an EJ coordinator.</p>
Business	<p>The business community needs to understand that environmental justice is an aspect of sustainability.</p>
Academic	<p>There needs to be better hazard communication – for example, billboards on community environmental issues of concern.</p> <p>Achieving environmental justice involves not only justice in outcome, but justice in the decision-making process.</p> <p>The assumptions and procedures by which cost-benefit analysis is used in regulations must be transparent.</p> <p>Cost-benefit must be made to account properly for vulnerable populations.</p> <p>National security cannot be an excuse for concealing information on exposure of community members to toxins.</p> <p>Data quality requirements, if unnecessarily burdensome, have the effect of suppressing valid and needed data.</p>
Environmentalist	
Enforcement Concerns	
Community	<p>There must be enforcement of land use plans to avoid dislocation of EJ communities.</p> <p>The Commerce Clause of the Constitution should be amended to preclude shipment of waste across state lines.</p> <p>Congress should better oversee delegated permit programs.</p> <p>Security concerns should not be allowed to repress information on bottled water quality.</p> <p>Technical Assistance Grants are needed at more than Superfund sites.</p>

	<p>Litigation is needed to address the problem of lead in paint.</p> <p>Prevention of crime and fires are EJ issues.</p> <p>The timing of environmental impact statements for transportation projects is wrong; evaluation of health impacts comes too late in the process.</p> <p>Government needs to expend the resources necessary to assure compliance with environmental laws; self-regulation is ineffective.</p> <p>Community members need to be provided with the information necessary to judge the adequacy of compliance.</p> <p>Communities need legal representation when objecting to permits.</p> <p>Education and compliance assistance is needed for small polluting sources such as auto shops, junkyards and other small businesses.</p> <p>The health costs of inadequate regulation need to be incorporated into the system of evaluating new standards and enforcing existing ones.</p> <p>Adequate enforcement must be fully funded.</p> <p>Environmental investigators must be provided so the resources are available to track the sources of environmental concern (like odor).</p> <p>Different regulatory agencies must coordinate better to address environmental concerns in a community.</p> <p>Pesticide application limits need better enforcement with small farmers.</p>
Government	<p>Federal agencies, and federal and state agencies, need to be better coordinated on health issues.</p> <p>Regulatory enforcement of dry cleaner environmental requirements must be investigated.</p> <p>There need to be federal standards for insurance company investigation and cleanup of toxic mold.</p> <p>Administration of enforcement divisions of federal, state and local environmental departments must be structured to assure rigorous enforcement of environmental and health priorities (such as uniform provision of sewage treatment).</p>

	<p>Enforcement offices must establish environmental justice initiatives that would concentrate enforcement in environmental justice communities.</p> <p>The enforcement branch must coordinate with the construction bureaus in small communities to jointly work to improve environmental infrastructure. The issue is not imposition of penalties, but assurance of service.</p> <p>Funds must be made available for environmental infrastructure in small communities without adequate sewage treatment.</p> <p>Obligations to provide data to state disease registries must be enforced, and the registry should be expanded to additional diseases like MS.</p>
Business	Enforcement needs to be more certain and uniform.
Academic	<p>Laws protecting historic and cultural sites are insufficiently enforced.</p> <p>Auto emissions testing should be required in all states.</p>
Environmentalist	<p>Compliance penalties must be harsher.</p> <p>The Commerce Clause of the Constitution should be changed.</p> <p>Limits on industrial discharge into sewage treatment systems must be enforced.</p> <p>Urban areas have their own cancer alleys in the accumulation of autos, trucks, oil emissions and street particulates, and there is no enforcement initiative on these cumulative impacts.</p>
Labor Issues	
Community	<p>The worker transportation needs of large corporations cannot be a justification for despoiling heritage sites such as the Petroglyph National Monument.</p> <p>Farm worker pesticide exposure nationwide must be monitored.</p>
Government	
Business	
Academic	<p>Permits for light rail projects need to better anticipate adverse impacts in environmental justice communities, including such impacts as inequitable distribution of transit services and gentrification.</p> <p>In communities where farm workers are 80% Latino, worker health and environmental concerns necessarily involve environmental justice.</p>
Environmentalist	

Tribal Issues	
Community	<p>Government subsidies and policies should be reviewed to see whether they sustain or impede preservation of native cultural practices.</p> <p>Legislation is needed to ban desecration of Native American sacred sites. Bans must extend to federal, state and local development and private developers, and should include injunctions pending judgment.</p> <p>Current laws should be interpreted to protect sacred sites in the interim until legislation is enacted.</p> <p>Federal funds should be available to compensate private developers where construction on sacred sites is banned.</p> <p>Studies should be conducted of mechanisms to protect place-based religious and environmental justice contacts.</p> <p>The lack of environmental service infrastructure on tribal lands must be addressed.</p> <p>The tribal government to state government relationship can disenfranchise tribal community members. This disenfranchisement is of particular concern to tribal members living off reservation.</p> <p>Federal and state government regulators must address tribal community member concerns, not just the views of tribal government.</p> <p>Gravel pits on tribal lands are insufficiently controlled.</p> <p>Pesticide drift on tribal lands must be eliminated.</p> <p>The rights of native Americans living off reservations are insufficiently protected.</p> <p>Salmon fishing rights are inequitably allocated.</p> <p>DOE should better evaluate the impacts of the Hanford site on tribal health.</p> <p>The government's definition of "service area" must be expanded to provide adequate coverage to tribal member living off reservation.</p> <p>The shortcomings of the "government to government" relationship between tribes and states/EPA is evident in the lack</p>

	of enforcement of the Clean Air Act within reservation boundaries and the number of uncontrolled fires in garbage dumped on the reservation.
Government	<p>The Indian Health Service's surveys of illegal dumping on Indian lands are inadequate, as is the funding for cleanup of these sites.</p> <p>The health risks from illegal dumps are insufficiently recognized, particularly with regard to biohazards.</p> <p>Regulations are needed regarding the disposal of combustion ash on tribal lands.</p> <p>Disposal of petroleum wastes on Indians lands is insufficiently controlled.</p> <p>There is insufficient capacity on tribal lands to properly dispose of wastes.</p> <p>Transfer station capacity and recycling capability must be expanded on tribal lands.</p>
Business	EPA's role in regulating defense and energy projects on tribal lands needs to be better understood.
Academic	<p>Environmental justice policies need to both address the concerns of tribal community members and respect the sovereignty of tribal governments.</p> <p>To achieve environmental justice, Congress needs to overturn court-made law that divests tribes of their rightful authorities.</p> <p>T-21 processes should be utilized to maximize public input on transportation plans and their impact on sacred sites.</p> <p>Tribal treaty rights are threatened by fishery pollution.</p>
Environmentalist	
International Issues	
Community	<p>The Department of Agriculture should providing training and support for preservation of agriculture in the territories.</p> <p>The Virgin Islands are entitled to full rights in the U.S. Congress.</p> <p>The National Park Service needs to be more receptive to community knowledge and practices in the territories.</p> <p>Standards for treatment of raw sewage must be better enforced in the Virgin Island.</p>

	<p>Community members must have a role in land use planning for such new developments as landfills and industrial parks.</p> <p>The importation of vehicles into the territories must be controlled to address adverse environmental impacts.</p> <p>Oil refinery controls are insufficient and unenforced.</p> <p>Where environmental penalties are collected in the territories, the funds should be returned to community projects rather than retained by the federal government.</p>
Government	<p>There needs to be better border enforcement of water discharges from Canada impacting Michigan rivers.</p>
Business	<p>Where cost-effective, workable technologies are available, they should be required when industrial production increases.</p> <p>EPA needs to disseminate information about the most effective waste and water treatment technologies.</p> <p>EPA needs to have the resources to properly oversee and support environmental agencies in U.S. territories.</p> <p>The Army Corps of Engineers' standards of cost-benefit analysis for beach erosion are inappropriate for small territories with extensive beach and higher dependence on that beach for economic support.</p>
Academic	<p>Information and regulation is needed for animal and plant import into the U.S. territories, including the unintended import of animals and plants in cargo.</p> <p>The federal government needs to coordinate better with local government and community members on air and water quality in the U.S. territories.</p> <p>The international environmental impacts of the U.S. continent are insufficiently monitored and controlled.</p> <p>The impact of U.S. approval of increased production (e.g., rum production) must take into account the waste generated and its environmental impact.</p> <p>The impact of pollution on indigenous plants and products must be understood and controlled.</p> <p>Better inter-agency and international coordination is needed on</p>

	<p>issues of environmental impact.</p> <p>The Virgin Islands needs a comprehensive land and water use plan.</p> <p>The health impacts of the Medicaid cap are particularly severe in the territories, where hospital capacity is limited.</p>
Environmentalism	
Federal Facilities	
Community	<p>The military must not be exempt from any environmental standards, and it should be equally subject to enforcement.</p> <p>Communities deserve redress (including fair market value for owned properties) where HUD built properties on old dumpsites.</p> <p>Accurate information must be distributed on the impacts of federal facilities needing cleanup.</p> <p>The environmental effects of the military must be a priority for redress.</p> <p>The science of destruction has exceeded the science of healing; the environmental effects of military activities must be known and controlled.</p> <p>There is no effective, objective, independent oversight of federal facility cleanup.</p> <p>At federal facilities, surrounding communities need signs posted at areas of contamination, clean food and medicine.</p> <p>Congress should enact the Military Responsibility Act, sponsored by LaVar Finley.</p> <p>The National Park Service is an inadequate steward to Petroglyph Nation Park.</p> <p>Congress should compel DOE to release classified information about environmental releases impacting community health when the national security defense for confidentiality has passed.</p> <p>The impacts of munitions production are insufficiently regulated.</p> <p>An epidemiological study is needed at Hanford.</p> <p>The cumulative impacts of emissions from Hanford with commercial animal feedlot wastes must be understood and regulated.</p>

	<p>DOE cleanups need more aggressive monitoring to assure all contaminated areas of a site are addressed and that there are clear interim cleanup milestones where a project will take years to complete.</p> <p>All attempts to exempt defense facilities and operations from environmental obligations on the basis of national security should</p>
	<p>be rejected.</p> <p>The environmental impact of any plan to increase U.S. nuclear capacity must be evaluated.</p> <p>Military compliance with environmental standards should be enhanced by passage of the Military Environmental Responsibility Act.</p>
Government	<p>Federal agency coordination at facilities like Hanford is essential if states and local governments are to collaborate in addressing a site.</p> <p>Many state Superfund sites derive from military waste disposal, and all attempts to exempt the military from full Superfund responsibility should be rejected.</p> <p>The Hanford tri-party cleanup plan must be fully funded each year without recourse to litigation.</p> <p>Federal agencies must be fully accountable to report old and on-going releases into the environment.</p>
Business	
Academic	The impact of military operations on U.S. territories must be reduced.
Environmental	

***L**istening Session Agendas*

AGENDA

Congressional Black Caucus Joint Environmental Justice and Health Braintrust Medical University of South Carolina, Charleston, SC June 7 & 8, 2002

Friday, June 7, 2002

8 - 8:45 am Registration and Continental Breakfast

Lobby, MUSC Basic Science Building Auditorium

9 am Welcome

Raymond S. Greenberg, MD, Ph.D., President, Medical University of SC, Charleston, SC

Opening Remarks

Congressman James E. Clyburn, Chair, CBC Environmental Justice Braintrust, 6th District, SC

Congresswoman Donna Christian-Christensen, MD, Chair, CBC Health Braintrust, Delegate, VI

The Honorable Jim Hodges, Governor of South Carolina, Columbia, SC

The Honorable Joseph P. Riley, Jr., Mayor of Charleston, SC

Members of Congress from SC Delegation

SC Legislative Black Caucus Representative

The Honorable Marcia Glenn, 1st Vice President, National Conference of Black Mayors, Lithonia, GA

9:40 am Overview of Health and Environmental Disparities in Region 4

Russell Wright, Special Assistant to the Regional Administrator, US Environmental Protection Agency, Region 4, Atlanta, GA

Reed Tuckson, MD, Senior Vice-President, Consumer Health & Medical Care Advancement, UnitedHealth Group, Minneapolis, MN

10:10 am The Roots of the Problem: Genetics, Environment, Personal and Institutional Behavior

Moderator: Marlon Priest, MD, Professor of Emergency Medicine, Scholar, Lister Hill Center for Health Policy, University of Alabama at Birmingham, School of Medicine, Birmingham, AL

Lenore T. Coleman, Pharm.D., CDE, FASHP, President and CEO Total Lifestyle Change, Inc., Long Beach, CA

Jewel Crawford, MD, Medical Director, Office of Urban Affairs, Agency for Toxic Substances and Disease Registry, Atlanta, GA

Camara Phyllis Jones, MD, MPH, PhD., Research Director on Social Determinants of Health in the Division of Adult and Community Health, National Center for Chronic Disease Prevention and Health Promotion, Atlanta, GA

Gilbert Parks, MD, Private Practice Physician, Topeka, KS

11:10 am Break

- 11:20 am Region 4 Health Disparities, Health Status and Healthy People 2010**
Moderator: Jennifer Friday, Ph.D., Senior Research Scientist, The MayaTech Corporation, Atlanta, GA
Richard Klein, MPH, Lead Statistician, Health Promotion Data Monitoring and Analysis, Office of Analysis, Epidemiology, and Health Promotion, CDC National Center for Health Statistics
Arlene Lester, Regional Consultant for Minority Health, US Public Health Service, Region 4
Rev. Dr. Allen W. Parrott, Presiding Elder of the Kingstree District, Palmetto Conference, African Methodist Episcopal (AME) Church, Kingstree, SC
Carolyn M. Clancy, M.D., Acting Director, Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services, Rockville, MD
- 12 pm Health Profession Diversity: The Pipeline, The Researcher, The Agenda**
Moderator: Kenneth Don Mosely, Ph.D., Professor and Chairperson of the Department of Health and Physical Education at South Carolina State University, Orangeburg, SC
Cynthia Harris, Ph.D., DABT, Director of the Institute of Public Health, Florida A&M University, Tallahassee, FL
Bill Jenkins, Ph.D. Coordinator of Minority Health Programs, National Center HIV/AIDS, STD, TB Prevention, CDC; Atlanta, GA
Harris Pastides, Ph.d., Dean of the School of Public Health and Professor in the Department of Epidemiology and Biostatistics, University of South Carolina, Columbia, SC
Florene Linnen, Director, Georgetown County Diabetes Core Group, Health Director for the Georgetown District of the AME Church, Georgetown, SC
- 1 pm Closing Remarks**
- 1:15 pm Lunch**
Lunch is available in the lobby. Please take a lunch and enjoy the beautiful MUSC campus. Food is not permitted in the Auditorium
- 2 pm Listening Session Conducted by National Environmental Policy Commission**
- Opening Remarks**
Congressman James E. Clyburn, Chair, CBC Environmental Justice Braintrust, 6th District, SC
Elected Officials
- Remarks From NEPC Chairpersons**
Sue Briggum, Ph.D., JD, Director of Government and Environmental Affairs,, Waste Management, Washington, D.C.
Mildred McClain, Ed.D., Executive Director of the Harambee House, Inc., Citizens For Environmental Justice, and Black Youth Leadership Development Institute Inc., Savannah, GA
Richard Moore, Executive Director, Southwest Network for Environmental and Economic Justice, Albuquerque, NM

Public Participation

Those attending the listening session may submit written and/or verbal remarks for the record. Participants are encouraged to focus on issue identification and recommendations for action. Those wishing to address the Commission will have 3 minutes.

4:30 pm Close of Listening Session

Saturday, June 8, 2002

8 - 8:45 am Registration and Continental Breakfast
Lobby, MUSC Basic Science Building Auditorium

**9 am Listening Session Conducted by National Environmental Policy
Commission**

Opening Remarks

Congressman James E. Clyburn, Chair, CBC Environmental Justice Braintrust, SC

Public Participation

Those attending the listening session may submit written and/or verbal remarks for the record. Participants are encouraged to focus on issue identification and recommendations for action. Those wishing to address the Commission will have 3 minutes.

12 pm Close of Listening Session

AGENDA

National Environmental Policy Commission Listening Session University of the Virgin Islands St. Croix Campus & St. Thomas Campus

Monday, August 26, 2002

9:00am Opening of Listening Session

Host: Dr. Laverne Ragster, President, University of the Virgin Islands, US Virgin Islands

Congresswoman Donna Christian-Christensen, MD, Chair, CBC Health Braintrust,
Delegate, US Virgin Islands

Congressman James E. Clyburn, Chair, CBC Environmental Justice Braintrust, 6th
District, SC

Congressman Bennie Thompson, CBC Member, 2nd District, MS

Congressman Earl Hilliard, CBC Member, 7th District, AL

The Honorable Charles W. Turnbull, Governor, US Virgin Islands

The Honorable Gerald Luz James, Lieutenant Governor, US Virgin Islands

Senator Douglas Canton, Jr., Legislature of the United States Virgin Islands, US Virgin
Islands

The Honorable Mavis Matthew, MD, MPH, Commissioner of Health, US Virgin Islands

9:30am Remarks From NEPC Chairpersons

Sue Briggum, Ph.D., JD, Director of Government and Environmental Affairs,, Waste
Management, Washington, D.C.

Mildred McClain, Ed.D., Executive Director of the Harambee House, Inc., Citizens for
Environmental Justice, and Black Youth Leadership Development Institute Inc.,
Savannah, GA

Richard Moore, Executive Director, Southwest Network for Environmental and Economic
Justice, Albuquerque, NM

10:00am Public Participation

Those attending the listening session may submit written and/or verbal remarks for the
record. Participants are encouraged to focus on issue identification and recommendations
for action. Those wishing to address the Commission will have 3 minutes.

12:00pm Lunch Break

12:45pm Public Participation (Continued)

5:00pm Close of Listening Session

AGENDA

National Environmental Policy Commission Listening Session Lewis College of Business Ponders Auditorium in White Hall

Monday, November 18, 2002

9:00am **Opening of Listening Session**

Host: Marjorie Harris, Ph.D., President, Lewis College of Business, Detroit, MI

Congressman James E. Clyburn, Chair, CBC Environmental Justice Braintrust, 6th District, SC

Congressman John Conyers, 14th District, MI

Congresswoman Carolyn Cheeks Kilpatrick, 15th District, MI

Lynn Buhl, Director of the Southeast Office, Michigan Department of Environmental Quality, Lansing, MI

Karen Dumas, Executive Director for Community Relations, Office of the Mayor, Detroit, MI

9:30am **Remarks From NEPC Chairpersons**

Sue Briggum, Ph.D., JD, Director of Government and Environmental Affairs,, Waste Management, Washington, D.C.

Mildred McClain, Ed.D., Executive Director of the Harambee House, Inc., Citizens for Environmental Justice, and Black Youth Leadership Development Institute Inc., Savannah, GA

Richard Moore, Executive Director, Southwest Network for Environmental and Economic Justice, Albuquerque, NM

10:00am **Public Participation**

Those attending the listening session may submit written and/or verbal remarks for the record. Participants are encouraged to focus on issue identification and recommendations for action. Those wishing to address the Commission will have 3 minutes.

12:00pm **Lunch Break**

12:45pm **Public Participation (Continued)**

5:00pm **Close of Listening Session**

AGENDA

National Environmental Policy Commission Listening Session Southwestern Indian Polytechnic Institute Gymnasium

Saturday, March 8, 2003

9:00am Opening of Listening Session

Host: Joseph Martin, Ed.D., President, Southwestern Indian Polytechnic Institute,
Albuquerque, NM
Congressman James E. Clyburn, Chair, CBC Environmental Justice Braintrust, 6th
District, SC
William Hume, Director of Policy and Strategic Planning for Governor Bill Richardson,
Santa Fe, NM
Derrith Watchman Moore, Deputy Secretary, The New Mexico Environment Department,
Santa Fe, NM
Mayor Martin Chavez, Mayor, City of Albuquerque, NM (Invited)

9:30am Remarks From NEPC Chairpersons

Sue Briggum, Ph.D., JD, Director of Government and Environmental Affairs,, Waste
Management, Washington, D.C.
Mildred McClain, Ed.D., Executive Director of the Harambee House, Inc., Citizens for
Environmental Justice, and Black Youth Leadership Development Institute Inc.,
Savannah, GA
Richard Moore, Executive Director, Southwest Network for Environmental and Economic
Justice, Albuquerque, NM

10:00am Public Participation

Those attending the listening session may submit written and/or verbal remarks for the
record. Participants are encouraged to focus on issue identification and recommendations
for action. Those wishing to address the Commission will have 3 minutes.

12:00pm Lunch Break

1:00pm Public Participation (Continued)

5:00pm Close of Listening Session

AGENDA

**National Environmental Policy Commission Listening Session
Seattle University School of Law
1000 E. James Way, Student Center**

Friday, May 9, 2003

9:00am Opening of Listening Session

Host: Timothy P. Leary, Ph.D., Vice President for Student Development, Seattle University,
Seattle, WA

Congressman James E. Clyburn, Chair, CBC Environmental Justice Braintrust, 6th
District, SC

John Ridgway, Environmental Justice Coordinator, Washington State Department of
Ecology, Olympia, WA

9:30am Remarks From NEPC Chairpersons

Sue Briggum, Ph.D., JD, Director of Government and Environmental Affairs, Waste
Management, Washington, D.C.

Mildred McClain, Ed.D., Executive Director of the Harambee House, Inc., Citizens for
Environmental Justice, and Black Youth Leadership Development Institute Inc.,
Savannah, GA

Richard Moore, Executive Director, Southwest Network for Environmental and Economic
Justice, Albuquerque, NM

10:00am Public Participation

Those attending the listening session may submit written and/or verbal remarks for the
record. Participants are encouraged to focus on issue identification and recommendations
for action. Those wishing to address the Commission will have 3 minutes.

12:00pm Lunch Break

1:00pm Public Participation (Continued)

5:00pm Close of Listening Session



WWW.PICO.LIBRARY.MUSC.EDU